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Canada Royal Commission
on pilotage

Hearings . 1968

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ROYAL COMMISSION

ON 47

PILOTAGE

HEARINGS

HELD AT

St. Catharines Ontario

VOLUME No.:

111-113

DATE:

March 9, 1964

OFFICIAL REPORTERS
ANGUS, STONEHOUSE & CO. LTD.
BOARD OF TRADE BLDG.
11 ADELAIDE ST. W.
TORONTO

364-5865

364-7383



ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Police and Magistrates'
Court Building, St. Catharines,
Ontario, on Monday, the 9th day
March, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots

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St. Catharines Ontario,
Monday,
March 9, 1964

English

THE CHAIRMAN: Most of you know what is the purpose of the Commission. I see some new faces here, so I am just going to give you a few words of explanation. Right now we are opening a new chapter; we just finished a very long one, the Montreal chapter, which took I think some thirteen weeks.

The Commission is a fact finding body in order to find out what is pilotage in Canada; not only the St. Lawrence, but everywhere in Canada, in order to find out eventually whether the existing laws and regulations do apply to all the aspects of pilotage, and whether there should be any change, and if so, that those changes could be applicable not only to Montreal, Quebec or the Lakes, but also to the west coast and Newfoundland and everywhere. So far we have been going across Canada like that.

We are in our thirteenth month now. We started our public hearings last year in February in Prince Edward Island, and we have been sitting ever since. With the Great Lakes we are finishing our hearings outside of Ottawa, and after finishing here and in Toronto, we will go back to Ottawa, where there will be another public hearing where all the loose ends are going to be finished and investigated, and also everything that has not been brought to our attention.

As I said before, we are a fact finding body.



1 English

2 We have to find out facts in order to make recommendations.

3 There is no use making recommendations if they are not
4 borne out by the facts and by reality, so that is why
5 we are doing like a court of justice, trying to get the
6 facts, and the best proven ones through the normal
7 procedure of courts. That is, through evidence, the
8 best evidence possible, documentary evidence, oral
9 testimony, and with the right of cross-examination.

10 However, I wish to underline this: There
11 is no trial here. There are no opponents, no litigation.
12 Everybody here before this Commission is a Commission
13 witness, so therefore we are not adverse parties here.
14 We come here in order to get the facts from those who
15 are living them. We are coming at the source of the
16 facts; therefore we count on you to give us all the
17 information that you know that may be useful to us.
18 Your cooperation is needed and will be much appreciated.
19 Thank you.

20 MR. JACQUES: My Lord, before examining
21 the witnesses, I think I should file the charts covering
22 the area under investigation. I believe we have
23 reached Exhibit 967. As Exhibit 967, the Canadian
24 Chart 2,000 - Lake Ontario.

25 --- EXHIBIT 967: Canadian Chart 2,000 -
Lake Ontario.

26 MR. JACQUES: Exhibit 968, Chart 2064,
27 Kingston to False Ducks.

28 --- EXHIBIT 968: Chart 2064 - Kingston to
29 False Ducks

30 MR. JACQUES: Exhibit 969, Chart 2060,



1 English

2 Main Duck Island to Scotch Bonnet Island.

3 --- EXHIBIT 969: Chart 2060 - Main Duck
4 Island to Scotch Bonnet
Island.

5 MR. JACQUES: Exhibit 970, Chart 2069,
6 Bay of Quinte.

7 --- EXHIBIT 970: Chart 2069 - Bay of Quinte

8 MR. JACQUES: Exhibit 971, Chart 2007,
9 Belleville Bridge to Telegraph Narrows.

10 --- EXHIBIT 971: Chart 2007 Belleville Bridge to
Telegraph Narrows.

11 MR. JACQUES: Exhibit 972, Chart 2071,
12 Presqu'ile Bay.

13 --- EXHIBIT 972: Chart 2071 - Presqu'ile Bay.

14 MR. JACQUES: Exhibit 973, Chart 2058,
15 Cobourg to Oshawa.

16 --- EXHIBIT 973: Chart 2058, Cobourg to
17 Oshawa.

18 MR. JACQUES: Exhibit 974, Chart 2062,
19 Oshawa to Toronto.

20 --- EXHIBIT 974: Chart 2062 - Oshawa to
Toronto.

21 MR. JACQUES: Exhibit 975, Chart 2065,
22 Toronto Harbour and approaches.

23 --- EXHIBIT: 975: Chart 2065 - Toronto Harbour and
24 approaches .

25 MR. JACQUES: Exhibit 976, Chart 2068,
26 Humber Bay.

27 --- EXHIBIT 976: Chart 2068 - Humber Bay.

28 MR. JACQUES: Exhibit 977, Chart 2067,
29 Hamilton.

30 --- EXHIBIT 977: Chart 2067 - Hamilton.



1 English

2 MR. JACQUES: 978, Chart 2070, harbours in
3 Lake Ontario.

4 --- EXHIBIT 978: Chart 2070 - Harbours in Lake
5 Ontario.

6 MR. JACQUES: 979, Chart 2063, Toronto
7 to Niagara River.

8 --- EXHIBIT 979: Chart 2063 - Toronto to
9 Niagara River.

10 MR. JACQUES: 980, Chart 2042, Welland
11 Ship Canal.

12 --- EXHIBIT 980: Chart 2042 - Welland
13 Ship Canal.

14 MR. JACQUES: 981, Chart 2100, Lake Erie.

15 --- EXHIBIT 981: Chart 2100 - Lake Erie.

16 MR. JACQUES: 982, Chart 2174, Lake Erie,
17 eastern portion.

18 --- EXHIBIT 982: Chart 2174, Lake Erie,
19 eastern portion.

20 MR. JACQUES: 983, American Chart No.
21 31, Lake Erie.

22 --- EXHIBIT 983: American Chart No. 31 -
23 Lake Erie.

24 MR. JACQUES: 984, American Chart 312,
25 Upper Niagara River.

26 --- EXHIBIT 984: American Chart 312 -
27 Upper Niagara River.

28 MR. JACQUES: 985, Canadian Chart 2175,
29 Long Point Bay.

30 --- EXHIBIT 985: Canadian Chart 2175 -
Long Point Bay.

MR. JACQUES: 986, Canadian Chart 2183,
Pelee Passage to Detroit River.



English

--- EXHIBIT 986: Canadian Chart 2183 -
Pelee Passage to Detroit
River.

MR. JACQUES: 987, American Chart 41,
Detroit River.

--- EXHIBIT 987: American Chart 41 -
Detroit River.

MR. JACQUES: 988, American Chart 42,
Lake St. Clair.

--- EXHIBIT 988: American Chart 42 -
Lake St. Clair.

MR. JACQUES: 989, American Chart 43,
St. Clair River.

--- EXHIBIT 989: American Chart 43 -
St. Clair River.

MR. JACQUES: 990, Canadian Chart 2200,
Lake Huron.

--- EXHIBIT 990: Canadian Chart 2200 -
Lake Huron.

MR. JACQUES: 991, Canadian Chart 2201,
Georgian Bay.

--- EXHIBIT 991: Canadian Chart 2201 -
Georgian Bay.

MR. JACQUES: 992, American Chart
St. Mary's River. The river is covered by three
charts. The following one with the same headings
would be Exhibit 993, Chart 62, St. Mary's River also,
and Exhibit 994 would be American Chart No. 63, also
St. Mary's River.

--- EXHIBIT 992:)
--- EXHIBIT 993:) St. Mary's River
--- EXHIBIT 994:)



1 English

2 MR. JACQUES: 995, Canadian Chart 2300,
3 Lake Superior.

4 --- EXHIBIT 995: Canadian Chart 2300 -
5 Lake Superior.

6 MR. JACQUES: 996, Canadian Chart 2301,
7 Passage Island to Thunder Bay.

8 --- EXHIBIT 996: Canadian Chart 2301 -
9 Passage Island to Thunder Bay

10 MR. JACQUES: And lastly, 997, Fort
11 William and Port Arthur, Canadian Chart 2314.

12 --- EXHIBIT 997: Canadian Chart 2314 -
13 Fort William and Port
14 Arthur.

15 MR. JACQUES: As Exhibit 998, the Great
16 Lakes Pilot, Volumes 1 and 2, published by the
17 Canadian Hydrographic Service.

18 --- EXHIBIT 998: The Great Lakes Pilot,
19 Volumes 1 and 2 published
20 by Hydrographic Services.

21 MR. JACQUES: Exhibit 999, List of Lights
22 and Fog Signals, Inland Waters, published by the
23 Department of Transport.

24 --- EXHIBIT 999: List of Lights and Fog Signals,
25 published by the Department of
26 Transport.

27 MR. JACQUES: And as Exhibit 1000, List
28 of Lights and Other Marine Aids, Volume 4, Great Lakes,
29 published by the Treasury Department, United States
30 Coast Guard.

--- EXHIBIT 1000: List of Lights and other
Marine Aids, Volume 4, Great
Lakes, published by the
Treasury Department, United
States Coast Guard.



1 English

2 MR. JACQUES: 1001, Great Lakes Pilot 1963,
3 published by the Corps of Engineers, U.S. Army.

4 --- EXHIBIT 1001: Great Lakes Pilot, 1963,
5 published by the Corps of
6 Engineers, U.S. Army.

7 THE CHAIRMAN: Will you file the briefs
8 right away?

9 MR. JACQUES: Yes. I should like to make
10 a comment that the set of charts which has been filed is
11 not complete. It does not cover Lake Michigan where
12 there are pilots as a matter of fact. It will be
13 completed later on. I shall leave the pilots to file
14 their own briefs.

15 As Exhibit 1002 I should like to file a
16 letter which has been addressed to the Commission by
17 Lakeshore Transportation Co. I have a witness
18 appearing in connection with this letter, My Lord.

19 THE CHAIRMAN: What is the date of the letter?

20 MR. JACQUES: February 14th, 1964.

21 --- EXHIBIT 1002: Letter dated February 14,
22 1964 from the Lakeshore
23 Transporation Co.

24 MR. JACQUES: I wonder if anyone is here
25 from the Civil Service Association of Canada. I will
26 file your brief as Exhibit 1003.

27 --- EXHIBIT 1003: Brief of Civil Service
28 Association of Canada.

29 MR. JACQUES: As Exhibit 1004, a brief
30 submitted by Captain Norman S. Johnston. I trust
Captain Norman Johnstone will be available to give
evidence before the Commission.



1 English

2 THE CHAIRMAN: You might as well give it
3 a number.

4 MR. JACQUES: If Your Lordship wishes.

5 --- EXHIBIT No. 1004: Submission of Captain
6 Norman S. Johnston.

7 MR. LALONDE: Exhibit 1005 will be brief
8 submitted by the Corporation of Great Lakes Pilots to
9 the Royal Commission on Pilotage.

10 --- EXHIBIT No. 1005: Brief submitted by the
11 Corporation of Great Lakes
12 Pilots.

13 MR. BRISSET: In relation to the brief of
14 Shipping Federation, the situation here is as it was
15 in Montreal, the brief is not yet ready. It will be
16 ready we hope for the Toronto meeting.

17 THE CHAIRMAN: In Toronto?

18 MR. BRISSET: Yes.

19 THE CHAIRMAN: I think there is another one
20 forthcoming, the Dominion Marine brief.

21 MR. JACQUES: I have not heard of that one,
22 My Lord.

23 JOHN MANUEL WATSON, sworn

24 DIRECT EXAMINATION BY MR. JACQUES:

25 Q. Will you state your full name and age,
26 please? You may be seated if you wish?

27 A. My name is John Manuel Watson. My
28 age is 54 years.

29 Q. What is your occupation?

30 A. At the present time I am a government



1 English

2 employee, Supervising Pilot: District No. 2, Port
3 Weller.

4 Q. How long have you occupied that position?

5 A. Sine April 1st, 1960.

6 Q. Prior to that what was your occupation?

7 A. I was a master mariner.

8 Q. What certificates do you hold?

9 A. Master's Home Trade.

10 Q. Which was granted when and where?

11 A. 1939. I sat for the examination in
12 Owen Sound, Ontario. It was granted that year.

13 Q. Have you served as Master on board
14 merchant ships?

15 A. I have.

16 Q. All told what is the length of your
17 sea career?

18 A. Well, I commenced as a deck hand in
19 1925, and have been steadily engaged in this business
20 except for two years immediately after the war -- I was
21 ashore for two years, and have re-entered the profession
22 again in 1947. I was continuously engaged in that work
23 until I was taken on by the Department of Transport.

24 Q. How long did you serve as Master of
25 merchant ships?

26 A. I guess about 12 years.

27 Q. Were you in command of naval vessels
28 at any time during the War?

29 A. I was in command of corvettes on the
30 North Atlantic and Mediterranean for three years. I



1 English

2 was in command of a group also.

3 Q. What rank did you actually attain in
4 the Canadian Navy?

5 A. Lieutenant Commander.

6 Q. How long did you serve with the
7 Canadian Navy?

8 A. Five years exactly.

9 Q. When you were Master of merchant
10 vessels, in which waters did you trade?

11 A. Well, I have covered all the Great Lakes
12 extensively. I was Master of a ship in a small
13 independent company, and we had to go for cargoes in
14 many places. I think my experience generally on the
15 Great Lakes -- I have been in as many ports and
16 different places as any ship master.

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1 English

2 I also was engaged in the Gulf of St.
3 Lawrence and Hudson's Bay.

4 Q. On what type of vessels did you serve --
5 cargo or tankers?

6 A. No, general cargo, dry cargo ships.

7 Q. General cargo. Would you recall roughly
8 the tonnage of these vessels?

9 A. About 1,400 tons.

10 Q. Now, sir, you have been in the employ
11 of the Government of Canada supervising Pilots since
12 1960?

13 A. That is right.

14 Q. Would you describe to the Commission your
15 administrative set-up here in St. Catharines for the
16 operation of District 2, the present one?

17 A. Well

18 Q. How many men have you got working under
19 you?

20 A. At present we have in this particular
21 District 60 Pilots. Thirty-three of these are Canadian
22 pilots and 27 -- excuse me, that should be 34 and 26
23 Americans.

24 Q. Do you have an administrative staff
25 under you?

26 A. We have in the Port Weller office an
27 accountant and a typist and four transport operating
28 clerks. During the shipping season, of course, there
29 is a transport operating clerk on duty continuously
30 24 hours a day.



English

1 The transport operating clerks under
2 direction call the Pilots when they are required. They
3 perform other services such as marine reporting. They
4 keep the records necessary, such as dispatch books and
5 the movement of ships. They operate the teletype, three
6 telephones in the office and a radio telephone.

7 Q. Is the Port Weller office the only
8 office under your jurisdiction?

9 A. Yes, that is right.

10 Q. And your dispatching staff dispatches
11 pilots in what area?

12 A. They dispatch Pilots; we service
13 Toronto, Hamilton and any other points that might be
14 west of Cobourg, if a pilot is required down there.
15 These are not necessarily #2 District pilots but it
16 could be a lake pilot. We also supply pilots for the
17 transit of the Welland Canal.

18 Q. Do you dispatch on Lake Ontario west-
19 bound only or do you dispatch eastbound?

20 A. Lake Ontario is divided at a line
21 running approximately from Cobourg to Oswego.

22 Q. Exhibit 967 ---

23 A. I should say Rochester.

24 Q. Would you draw a line in red from
25 Cobourg to Rochester? West of that red line on Exhibit
26 967 your office does the dispatching?

27 A. That is correct.

28 Q. Do you dispatch both eastbound and
29 westbound in that area?

30 A. From that point they call us, yes.



English

1 Q. To, say, a ship coming out of the
2 Seaway and bound for Toronto, who would do the
3 dispatching?

4 A. It would be dispatched from Cape Vincent.

5 Q. And if the ship were to come from
6 Toronto to Rochester who would do the dispatching?

7 A. We would dispatch the ship from Toronto
8 to Rochester, but after she passed this line, then the
9 pilot would come under the jurisdiction of the Cape
10 Vincent pilots.

11 Q. So your jurisdiction over dispatching
12 is to the extent of that line in Lake Ontario?

13 A. That is right.

14 Q. And you would look after all the move-
15 ments of vessels in that area?

16 A. That is right.

17 Q. West through the Welland Canal you do
18 all dispatching from your office?

19 A. That is right. We do all dispatching
20 from the Welland Canal and in the Welland Canal. Also
21 we carry on our points of authority. The line of
22 demarcation goes as far west as Cleveland.

23 Q. Would you indicate the western limit
24 of your dispatching area on Exhibit 981, which is the
25 Lake Erie chart?

26 A. West as far as Cleveland on the south
27 shore and about the last port west on the north shore,
28 I guess, is Port Stanley, so we include Port Stanley
29 too.

30 Q. Would you draw a red line?



English

1 A. That marks the westerly end of our
2 line of jurisdiction (indicating). As long as a pilot
3 is east of that line then he will be dispatched and
4 given direction by the Port Weller office. West of
5 that line -- and this includes Cleveland, of course --
6 the Port Huron office is responsible.

7 Q. And on Lake Erie there are only #2
8 District pilots?

9 A. That is correct.

10 Q. And on Lake Ontario you dispatch also
11 District 1 pilots?

12 A. Yes. On Lake Ontario we have a joint
13 operation. Lake Ontario could be serviced by a pilot
14 from #2 District, a lake pilot registered for Lake
15 Ontario or a #1 District pilot.

16 Q. Would you explain to the Commission how
17 in detail the dispatching is done? Who gets in touch
18 with whom and what happens?

19 A. Dispatching is done by means of different
20 vehicles of communication. Probably the largest
21 percentage of dispatching comes directly from the Lower
22 Seaway by means of telecommunication, or the teletype.
23 A ship is westbound from Cape Vincent and the Cape
24 Vincent pilot office indicates to the Port Weller pilot
25 office on the teletype that the ship passed Cape Vincent
26 at a certain time, that the ship would arrive at Port
27 Weller at about a certain time and would require a pilot.

28 They also indicate at that time whether
29 the ship has a certificate of exemption or whether the
30 ship requires pilots on all waters.



English

1 Q. And when you say "certificate of
2 exemption" do you mean the Grade B certificate?

3 A. That is correct, yes.

4 Q. They give you the destination of the
5 ship?

6 A. Usually the destination of the ship
7 is transmitted when the ship passes the Seaway at
8 Montreal.

9 Q. Do you get that?

10 A. Yes.

11 Q. On your teletype, or how is that
12 related to you?

13 A. On the teletype. The Montreal pilot
14 marine reporting indicates the ships that have passed
15 west of St. Lambert Lock. They indicate their desti-
16 nation to the best of their knowledge and also the
17 same information.

18 Q. So you have in fact two indications
19 concerning the ship's movement -- the message from the
20 authorities in Montreal or from St. Lambert Lock,
21 giving you the name of the ship, I presume, and the
22 destination?

23 A. Yes; this is the general method.

24 Q. And do you also have as another source
25 of information perhaps more direct a teletype message
26 from the Cape Vincent office?

27 A. Yes. Probably the majority of infor-
28 mation comes by teletype. This, of course, is in the
29 way of preliminary information. We hesitate to call a
30 pilot on the strength of a message from Cape Vincent.



English

1 That is to say, it is reliable but the expected time
2 of arrival at the port may not be reliable; so we
3 wait for further confirmation of the exact time of
4 arrival. That is, of the ships coming directly up the
5 Lake.

6 Q. And who gives you this confirmation?

7 A. The ships themselves may contact us
8 directly by radio telephone or they may contact as they
9 are instructed in the Notice to Mariners to contact
10 us through Toronto radio. They in turn will call us
11 on long distance or on teletype and confirm the ship's
12 expected time of arrival. On the basis of this
13 information we commit the pilot to the job.

14 We also have, of course, ships that
15 are lying in Toronto and Hamilton discharging cargo.
16 If they require a pilot from Toronto to Hamilton the
17 agents will call us on the telephone and order a pilot.
18 If they do not require a pilot across the Lake, the
19 Toronto Harbour Commission will advise us when the
20 ship sails and usually the expected time of arrival.

21 Q. Why would you have that information?
22 Why would you want that information if there is no
23 pilot on board?

24 A. Well, that is the job for us. The
25 ship may be sailing from Toronto to Port Weller having
26 a B certificate on board that does not require a pilot.

27 Q. I thought you said from Toronto to
28 Hamilton?

29 A. Well, no, Toronto or Hamilton to Port
30 Weller; I think that is what I said. If the ship were



English

1 coming from Toronto to Hamilton and required a lake
2 pilot the agent would again call us and we would
3 dispatch a pilot.

4 Q. Mr. Watson, would you continue with
5 your dispatching going westwards?

6 A. Well, we also ---

7 Q. The ship is now off Port Weller. She
8 has had a District 1 pilot from Cape Vincent; what
9 happens there?

10 A. With the ship arriving off Port Weller
11 with the lake pilot aboard, we call our district pilot
12 and the pilot boat takes our pilot out to the ship,
13 who is waiting off the buoy, puts our pilot aboard
14 and removes the lake pilot. Our pilot, on boarding
15 the ship, reports to the Canal Control indicating
16 that he is aboard and the ship is ready to proceed
17 on orders of the canal authorities.

18 Q. What happens to the pilot who got off
19 the ship? If he is a District #1 pilot does he stay
20 in Port Weller and wait for another assignment or
21 do you give him instructions for his return to ---

22 A. The pilot is brought ashore and reports
23 into our office. There are regulations covering the
24 procedure, or the conduct of the pilot in this case.
25 The #1 District pilot is given top priority on ships
26 returning directly from Port Weller to Cape Vincent.

27 If there is no ship there, no job for
28 him within the expected 12 hours, he is informed that
29 he should return to his station at Cape Vincent
30 directly, or wherever they may wish him to go. We



1 English

2 report this to Cape Vincent on teletype.

3 Q. Now your own pilot is on board the
4 ship and the ship is going through the Welland Canal?

5 A. Our pilot proceeds with the ship
6 westbound. If the ship is going right through the
7 Canal, then prior to coming to Lock 7 the pilot will
8 call the dispatcher and inform him what time he expects
9 to be at Lock 7. We then put a relief pilot on at
10 that point westbound. This condition prevails about
11 90% of the time.

12 Q. What happens during the 10% which
13 is left?

14 A. During the 10% of the time, if there
15 is no relief, the pilot carries on with the ship.

16 The relief pilot then takes the ship
17 from Lock 7 to her destination. It may be Buffalo,
18 Cleveland; it may be directly to Detroit or it may
19 be directly to Sarnia, Port Huron.

20 Q. If that particular ship has an officer
21 with a Grade B certificate, would your pilot get off
22 at Port Colborne?

23 A. By and large the pilot does not get
24 off at Port Colborne. If the ship is going directly
25 to the lakehead or going to Detroit, of course, the
26 designated waters commence again at Southeast Shoal.
27 Therefore they must have a pilot on board. There is
28 no means of putting a pilot on board on the lake, so
29 the pilot remains with the ship. By that time he is
30 ready to go to bed.



1 English

2 Q. By what time?

3 A. By the time he is through with the
4 Canal. He would be called again at Southeast Shoal.

5 Q. Under what circumstances would the
6 pilot get off at Port Colborne?

7 A. The circumstance would be that the
8 ship he is piloting in the Canal, someone aboard
9 is in possession of a B certificate, or certificate
10 of exemption, and the ship's destination is in the
11 undesignated water of Lake Erie -- say, Cleveland,
12 Buffalo, Erie, Ashtabula -- and the ship's Master
13 feels that he does not require a pilot. He is not
14 required by law to have a pilot in the undesignated
15 waters of Lake Erie, so the ship's Master will dis-
16 charge the pilot at Port Colborne.

17 Q. For ships eastbound how is the dis-
18 patching done?

19 A. The ships eastbound from the upper
20 lakes, or from Cleveland or from Detroit?

21 Q. From any points west of a line drawn
22 between Cleveland and Port Stanley?

23 A. This is done through Port Huron pilot
24 office.

25 Q. You have nothing to do with that?

26 A. Only in as much as occasionally we
27 have to repeat an interchange of information for it.
28 We report the position of our pilots at nine o'clock
29 in the morning and five o'clock in the afternoon --
30 what ships they have gone on, their destination, if



1 English
2 possible, and also if the ship requires information
3 that has to do with pilotage.

4 There are times when one station may
5 be short of pilots and they would contact us to say,
6 "Can you supply a pilot in Toledo?" Maybe our
7 transportation is prepared to put a pilot directly
8 on from our station to Toledo or Detroit.

9 Q. But the pilot who took a ship, say,
10 to (I do not know) Sarnia is the District 2 pilot.
11 Does he stay in Sarnia or Port Huron and wait for
12 another assignment or does he report to Port Weller?

13 A. The normal procedure would be that
14 he would stay at that station there until he gets
15 a return passage.

16
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1 Q. For any period of time -- 12 hours or
2 over?

3 A. Yes.

4 Q. Now, for a ship eastbound with a pilot
5 on board and arriving off Port Colborne, would the pilot
6 who took the ship across Lake Erie and also down to
7 Detroit remain on board and take the ship through the
8 Welland Canal up to Lock 7?

9 A. That is correct.

10 Q. That is what is happening?

11 A. Yes.

12 Q. And then you would leave that pilot
13 at Lock 7?

14 A. Yes.

15 Q. And the next pilot would take the ship
16 to Port Weller?

17 A. That is the usual procedure, yes.

18 Q. And if she has a Grade B certificate on
19 board the pilot would get off at Port Colbourne?

20 A. Yes.

21 Q. And if not he would proceed to Cape
22 Vincent?

23 A. If the ship has no B certificate. We
24 have three possibilities. We have the possibility of
25 using our lake pilots; we have six pilots registered
26 for lake work; or we might have a number one district
27 pilot; and if he is not there we could use our own
28 pilots.

29 Q. And the District No. 1 pilot...
30



1 English

2 A. The District No. 1 pilot when the ship is
3 going across from Port Weller to Cape Vincent, but not
4 from Port Weller to Toronto or Hamilton.

5 Q. What happens with these lake pilots?
6 Are they under your jurisdiction?

7 A. The lake pilots ostensibly are trainee
8 pilots for District No. 1. Their business, or their
9 billing and their paying is done through the Cape
10 Vincent Pilotage District Office. However, they come
11 under our jurisdiction when they are in that portion of
12 the lake west of the line Cobourg to Rochester; they
13 come under our jurisdiction for dispatching purposes.

14 Q. But you do no billing, or paying?

15 A. No; we don't bill, or don't have
16 anything to do with their pay.

17 Q. Merely dispatching? Nothing as to their
18 qualifications, or disciplinary matters?

19 A. No. If we had occasion we would
20 report to the proper authority.

21 Q. Who is that?

22 A. In the case of the three Canadian pilots
23 it would be the Department of Transport, and in the
24 case of the three American pilots it would be the
25 Great Lakes Pilotage Administration in Washington.
26 I would probably report to my authority and they, in turn,
27 would report to Washington.

28 THE CHAIRMAN: So I understand, then, that
29 these six lake pilots are only for Lake Ontario?

30 THE WITNESS: That is correct.



English

1

2

THE CHAIRMAN: They won't go on Lake Erie?

3

THE WITNESS: No; they are not licensed.

4

BY MR. JACQUES: Q. Are there any
pilots -- lake pilots -- licensed for Lake Erie?

5

6

A. For Lake Erie?

7

Q. Yes?

8

A. Not specifically as such. All the No. 2
District pilots are licensed for Lake Erie.

9

10

Q. But as such, specifically as such?

11

A. No; there are no pilots licensed for
Lake Erie only.

12

13

Q. Have you ever had any difficulties with
your counterpart in Port Huron with regard to dispatching?

14

15

A. Well, I wouldn't like to use the word
"difficulties." We sometimes -- there are times when
we may question what has happened or why it is happening.

17

18

We would probably ask him on the teletype,
or maybe I call him on the telephone if I see, let us
say, some discrepancy.

19

20

21

This doesn't happen very often, and we
certainly have a very amiable relationship.

22

23

I think Port Huron was like any other office
when it started off, and we had a little bit of
experience previous to their taking over; so I think
it would be safe to say that we were able to assist them
a little bit. We don't very often have any questions
in dispute.

24

25

26

27

28

29

Q. From what you saw I gather that the
Port Huron dispatching office wasn't created or set up

30



English

at the same time as the Port Weller dispatching office;
is that correct?

A. That is correct.

Q. When was it set up?

A. I think it was August 15, or thereabouts,
in 1961.

Q. Two years, or nearly, after yours had
been set up?

A. Yes.

Q. And who did the dispatching in the
St. Clair River area?

A. The dispatching at Port Huron or Sarnia
previously was done by an employee of the company or
the man who owned the pilot boat. They had one
employee who looked after the dispatching and kept
the records and did the books for the man who owned
the pilot boat.

Q. And do you know why this set up was
changed?

A. Because this was an all-Canadian
operation up until the conclusion of 1960; and at the
start of 1961 the Great Lakes Pilotage Act, or Agreement,
was formed and the American pilots started participating
in the pilotage of No. 2 District and No. 1 District,
I believe.

Q. Now, you might explain a little more
fully -- you say that in 1961 the agreement between the
Canadian government and the U.S. government was arrived
at, or implemented, and at that time a dispatching office



English

was set up for Port Huron; is that correct?

A. Well, they didn't really get into dispatching that year; they carried on as has been previously done; although they took over the authority, we will say, during that year and commenced doing part of the billing.

Q. That was in 1960?

A. 1961; but not 1960. There weren't any American pilots registered in the district in 1960. It was an all-Canadian operation at that time.

Q. Have you worked put any written rules or regulations concerning dispatching in your district?

A. Yes.

Q. Would you have a copy with you?

A. Well, I have copies of the latest batch which, I feel, is not quite -- we are presently working on this. However, this is not complete, in the sense that this is a joint operation. I have drawn up the thoughts, or whatever you wish to call it, and of course, it has to be arrived at jointly with the American counterpart. I have sent them copies of my thoughts, and we are in the position of trying to get together so that we will have a uniform system of work rules, regulations, dispatching and orders, covering the entire district.

The reason we probably have taken so long to get around to this is that things -- conditions -- have been changing in the district rather rapidly. In the few years I have been here we have had changes



1 English

2 almost every year; and it now appears that possibly we
3 can jointly draw up something which will be workable
4 for both parties.

5 Q. Well, this document which I hold and which
6 is entitled "Work Rules and Dispatching Procedures --
7 District No. 2" -- is this document in force?

8 A. No; this is only a rough draft of a
9 proposed...

10 Q. Then, at the moment there are no written
11 rules -- no official written rules?

12 A. No; not covering the district mutually.

13 Q. In cases of a difference of opinion
14 between the dispatching office at Port Huron and yours
15 who is considered the superior, or "boss"?

16 A. Well, we have never come down to a
17 knock-down-drag-out contest yet. I think I could say
18 that Port Huron, up tonow, has been very agreeable and
19 they usually ask my advice, although necessarily always
20 taking it.

21 Q. Would you have a list of pilots licensed
22 for District No.2, please?

23 A. Yes.

24 MR. JACQUES: I should like to file as
25 Exhibit 1006, two documents -- one entitled "U.S. Pilot
26 District No. 2 -- Great Lakes Basin," and "U.S. Pilot
27 District No. 3 -- Great Lakes Basin."

28 The second document is entitled "Pilots
29 on Strength in Port Weller-Sarnia Pilotage Area," as
30 of October 21st 1963, and including Pilots of Lakehead



English

--- EXHIBIT No. 1006 - Two documents
re - U.S. Pilot Districts 2 & 3.

District No. 3."

Q. Are these two lists up to date, to the best of your knowledge?

A. That one is (indicating). Those two (indicating) are doubtful.

Q. I see you have indicated on Exhibit 1006 the names of two pilots who may not be engaged in this profession at the moment; is that correct?

A. That is correct.

Q. Two American pilots, I should say?

A. Yes.

MR. LALONDE: It might be preferable to mention that you have underlined them.

MR. JACQUES: No; this is on my copy.

MR. LALONDE: Perhaps it would be as well, for the record, that you underline the original...

MR. JACQUES: I can give you their names. They are Pilot Harman S. Burch and Pilot Frank G. Powell.

MR. JACQUES: Q. According to the rules in pilot dispatching do you follow a tour de roll?

A. Yes. The tour de roll was established in 1960. We started alphabetically; we had to start some place and we started it off in alphabetical order, and then at the end of the season as the pilots came in and stopped work that established the tour de roll for the next year; and from that time on we have simply worked on the basis of the first man in shall be the first man out.

Q. And this is applicable to both Americans



English

and Canadians?

A. Yes.

Q. And have you any difficulties in implementing this tour de roll?

A. No; that is accepted practice. I suppose there are some frictions from time to time, but it is the principle which we try to operate to the best of our ability.

Q. What kind of friction?

A. Well, we can say that sometimes a fellow can't answer the phone for a few minutes, and occasionally in the operations sometimes there is a very short job which wouldn't please an American pilot who has been paying a hotel bill in St. Catharine's for three or four days and he would prefer to have something else. But generally these get straightened out.

Q. I see. What happens when a pilot is not available when you call him for a job?

A. Well, when we are really certain... Do you mean when he declares himself unavailable?

Q. Or when you can't reach him?

A. When we can't reach him -- if he becomes unavailable for any reason he becomes unavailable for 24 hours; the reason for that being that in order to overcome the possibility of a pilot picking his own job; previous to bringing a rule of this nature into effect it would be possible for a pilot to call the dispatcher and get the ships lined up and all he has to do, if it was a rather ugly or bad job -- it would be possible for him to call in saying "I am sick."



1 English

2 After the dispatch has been carried
3 out by somebody else, then the pilot could call and
4 say, "Well, I am well again and ready to resume work".
5 I am not accusing anybody of this; I am just saying
6 this is a possibility which could happen. In order
7 to prevent this, we felt we had to say, "You will be
8 off for 24 hours", and you won't know what is coming
9 then.

10 Q. What happens to the pilot's pay when
11 he is not available or if he is unavailable?

12 A. A Canadian pilot loses a day's pay.

13 Q. Regardless of the cause of his absence?

14 A. Well, there might be some mitigating
15 circumstances, of course, but by and large these are
16 the regulations of the Civil Service. If you are
17 sick, if I am sick or anybody is sick, the first
18 day you are off you must be without pay.

19 Q. I see. So if he is unavailable by
20 sickness for one day, he loses the one day's pay?

21 A. That is right.

22 Q. And if he is unavailable for sickness
23 for two days, he does not lose any money?

24 A. Providing he has enough sick leave
25 credit accumulated he could be off for 14 days, and
26 he would still lose one day's pay, but the other 13
27 would be paid.

28 Q. Would you have records of the number
29 of times pilots were unavailable in the last year?

30 A. No, I don't have. I did not keep an



1 English

2 accumulative record.

3 Q. That would be available in Ottawa?

4 A. Well, it would be available in our
5 office too. We would have to compile these days of
6 absences.

7 Q. When a pilot is unavailable, apart
8 from declaring him "unavailable", what do you do? Do
9 you investigate the cause?

10 A. Of course you must understand most
11 of the time a pilot is unavailable he is sick.
12 Occasionally it may be that he is not within reach
13 of his telephone or he cannot be reached. In some
14 cases, if there are mitigating circumstances such
15 as a pilot reporting in and saying, "I am going out
16 for two hours" -- they are supposed to have two hours
17 notice -- and "Have you anything on order now?", and
18 the dispatcher says, "No", and then we suddenly get
19 a call or a ship comes in without prior warning, and
20 this happens from time to time, and we cannot get hold
21 of that pilot despite the fact that he has made every
22 effort to keep himself in touch with the office, in
23 a case like that we would put him right next on turn.
24 Or it might be possible that man's telephone communi-
25 cation has broken down.

26 Q. Has that happened?

27 A. That has happened, yes.

28 Q. Offhand would you be able to say the
29 number of times last year when you chose not to declare
30 a pilot unavailable in similar circumstances?



1 English

2 A. Two, possibly three times.

3 Q. That is the exception?

4 A. Those are exceptions.

5 Q. Now, if a pilot is sick, do you
6 require a medical certificate of any kind?

7 A. If a pilot is sick in excess of three
8 days, we require a form, National Health and Welfare
9 500, a government form. It is a doctor's certificate
10 that the man was ill. That is to certify illness. Up
11 to three days we do not ask for that. We could, but
12 it has not been the practice that we ask for a
13 certified medical form.

14 Q. Now, apart from sickness, and being
15 unable to reach the pilot, would this system of
16 declaring a man unavailable be used for disciplinary
17 matters?

18 A. Well, it would. There are two aspects
19 of this question. We report or inform the American
20 and the Canadian authorities. We keep a record of
21 daily attendance, and certain phases of the financial
22 operation is dependent on the usage which is determined
23 by the effectiveness of pilots on strength each day.
24 Therefore, if we, through means of punishment or
25 something of that nature, had a pilot unavailable for
26 two days, we would have to report him on this monthly
27 attendance sheet as being unavailable, if he is
28 unavailable for any reason, but we would not consider
29 him unavailable if he were on two day's suspension.

30 Q. This is different from a suspension?



1 English

2 A. Yes. He is not unavailable there.

3 Are you talking about a suspension?

4 Q. Either. I would like to find out.

5 A. If they are penalized you could hardly
6 term them unavailable, and yet they are unavailable.

7 Q. They are not on the unavailable list,
8 but rather on a suspension list?

9 A. That would be correct, but nevertheless
10 they must be marked on our attendance as unavailable.

11 Q. Do you exercise disciplinary powers?

12 A. Do I?

13 Q. Yes.

14 A. Well, I presume that I have certain
15 disciplinary powers, but I certainly exercise it with
16 discretion and usually with the advice of the senior
17 officials of the Department.

18 Q. In Ottawa?

19 A. In Ottawa.

20 Q. Would you describe to the Commission
21 the procedure you follow in disciplinary matters?

22 A. Well, of course the first step is
23 to investigate.

24 Q. Yes. Who does that, yourself personally?

25 A. If possible, yes. Sometimes an incident
26 will occur which is a long ways away, and some other
27 Authority may do the investigating and present us with
28 the facts; "Here are the facts. This is the result of
29 our investigation".

30 Q. Then what happens?



1 English

2 A. Well, I would usually confer again
3 with the senior officials, and they would probably
4 recommend certain penalties.

5 Q. Throughout that time would the pilot
6 concerned be kept advised as to steps taken by yourself
7 or the Department? Would he be told that the report
8 is being made by someone concerning incident A or X,
9 whatever the case might be.

10 A. Yes, he would be told at the moment.

11 Q. Would he be shown the report which
12 is either prepared by you or received by you from
13 some other Authority?

14 A. Yes.

15 Q. He would be shown that report?

16 A. Yes.

17 Q. Before the suspension or the punish-
18 ment is imposed upon him?

19 A. Yes.

20 Q. Is he afforded an opportunity to
21 defend himself?

22 A. Yes. He has a period of time, in
23 the case of a suspension, even after the suspension
24 has occurred, he still has I think it is two weeks
25 in which to write to the Director or the Deputy to
26 present his case or clarify it or appeal.

27 Q. Is that two-weeks a standard delay
28 applicable in all cases?

29 A. I believe that is.

30 Q. Now, have you had occasion last year to



1 English

2 enforce disciplinary measures against a pilot, American
3 or Canadian, and by the way, before we go on to that,
4 what you have stated would be applicable to Canadian
5 pilots only?

6 A. That is correct, only.

7 Q. What about American pilots?

8 A. I enforce no discipline on American
9 pilots.

10 Q. You just refer the case to the Authori-
11 ties?

12 A. That is right.

13 Q. And would the reverse be true with
14 regard to Canadian pilots, say, committing an offence
15 while they are in American waters or something like
16 that?

17 A. That is correct.

18 Q. They would not exercise disciplinary
19 powers over Canadian pilots?

20 A. Not as far as pilotage is concerned.
21 However, the Coast Guard have a little different line
22 of authority in American waters, and they have on
23 occasion penalized Canadian pilots financially. I
24 don't know whether the fines were ever paid, but I
25 do know they have been fined for an infraction of the
26 regulation. I do not know whether the money was ever
27 paid, but I do know they have been fined, and they
28 assume the authority to do so.

29 Q. When did that happen?

30 A. Well, this has happened I think once



1 English

2 last year and once the year before. I mean when the
3 fines finally came out, when I saw the notice.

4 Q. What was the nature of the incident?

5 A. Well, these are marine accidents.

6 Q. Accidents?

7 A. Yes.

8 Q. Did the Coast Guard hold any enquiry
9 of any kind?

10 A. Any accident that occurs in American
11 waters, the U.S. Coast Guard has the authority, and
12 they hold enquiries.

13 Q. Did you attend?

14 A. I did not attend, but a representative
15 from the Department in Ottawa attended. I attended
16 one, and the officer in charge of this thing in
17 Ottawa attended another one.

18 Q. In that particular case where you
19 attended yourself, did you prepare a report for the
20 Canadian authorities?

21 A. I wrote a narrative of the proceedings
22 as I saw it. However, the Coast Guard prepared their
23 reports and they send the reports to the Canadian
24 Authority. Likewise, we would prepare a report
25 and send a copy to the American authorities if it
26 were an American pilot in difficulties in our waters.

27 Q. Was the pilot present at that hearing?
28 The Canadian pilot involved?

29 A. Yes.

30 Q. Was he represented by Counsel?



Watson, dir
(Jacques)

1 English

2 A. Well, he was represented generally
3 by, let us say, the ship's -- the owner's Counsel
4 represented the pilot, the crew, the Master and the
5 ship owners.

6 Q. I see. What was the nature of the
7 offence?

8 A. Well, the actual offence was an
9 infraction of the steering and sailing rules of the
10 Great Lakes. The Coast Guard passed no opinion on
11 the main aspects of the accident, but when there is
12 an infraction or default of the rules, then they
13 point that out, and this is the basis, I presume,
14 on which they imposed the fine.

15 In one case there was a fine imposed
16 because a certain rule had not been adhered to. In
17 both cases it was a rule, and they assessed a fine.
18 The pilot is also allowed there in that case to
19 appeal to the Coast Guard, and the fine may have been
20 remitted, I don't know.

21 Q. Do you recall the names of the vessels
22 involved?

23 A. Right off hand I do not recall the
24 names, no.

25 Q. But you will find out? Would that
26 be in your office?

27 A. Yes, it would be in the office.

28 Q. Would you check on that, please, and
29 let us know at a later date? Now, to go back to my
30 other question, last year how many times have you had / occasion



1 English

2 to exercise disciplinary action against pilots? When
3 I say "you", I include your superiors in Ottawa?

4 A. Twice.

5 Q. What was the nature of the infraction
6 or incident; what was the incident?

7 A. Well, one was an accusation of
8 insobriety which was substantially proven, and the
9 other was an infraction of the pilot leaving the ship
10 in the Canal.

11 Q. I see. Now, with regard to the first
12 offence would you give us more details? How was it
13 brought to your attention, and what evidence was
14 brought before you with respect to that?

15 A. Well, I first had a complaint from
16 the American authorities.

17 Q. Where?

18 A. Well, I had it from the Port Huron
19 office.

20 Q. Yes?

21 A. It was brought to my attention with
22 a report from an agent involved. I followed up, of
23 course, with boarding the ship and talking with the
24 Master, and with a statement from the Master giving
25 certain facts.

26 Q. Was that statement in writing?

27 A. That is right.

28 Q. Was it under oath?

29 A. No, it was not under oath.

30 Q. What was the nature of the complaint



1 English

2 at Port Huron?

3 A. Well, they had received a complaint
4 from a shipping agent in Chicago.

5 Q. I see.

6 A. They merely sent me a copy of the
7 facts as they received them.

8 Q. And what did it say, without mention-
9 ing names. I am not interested in names.

10 A. It indicated that the pilot in
11 question had been drunk on board.

12 Q. Was he actually piloting the ship
13 or was he accused of being drunk?

14 A. He was accused of not being fit to
15 take the ship out.

16 Q. What happened to the ship? Was she
17 delayed?

18 A. No, the ship was not delayed.

19 Q. Who took her out?

20 A. Evidently the Master took her out.
21 The Master wished to have no part of this proceeding,
22 but an enthusiastic agent wished to pursue it.

23 Q. How long was it afterwards that you
24 saw the pilot involved?

25 A. Possibly a week. I couldn't tell you
26 exactly.

27 Q. How long was it after the ship had
28 left Chicago? I think you said that you saw the
29 Master of the ship.

30 A. A week, ten days.



1 English

2 Q. Had the pilot remained on board
3 all that time?

4 A. No, no; the pilot was discharged
5 in Chicago.

6 Q. Before taking the ship up? I am not
7 too clear now. You said the ship was to leave
8 Chicago and the pilot was accused of being drunk and
9 then he got off at Chicago?

10 A. He took the ship westbound from
11 Detroit; he took the ship up to Chicago, called at
12 several ports, but at the point that they reached
13 Chicago, then the pilot was discharged. It was at
14 that point that the agent made an accusation and
15 wrote a letter. In the meantime the pilot was
16 dispatched to another ship.

17 Q. After you had been made aware of
18 this accusation, did you try to interview the Master
19 of the previous ship which he piloted and also the
20 subsequent ship? Were you able to do so?

21 A. No.

22 Q. You interviewed the Master of the
23 ship concerned?

24 A. That is right.

25 Q. And you say there was no delay
26 involved?

27 A. No.

28 Q. There was no casualty involved?

29 A. No casualty.

30 Q. What suspension was awarded against



1 English

2 that pilot?

3 A. Five days.

4 Q. Five days' suspension. Did he
5 enjoy the two-weeks period to present his defence?

6 A. Not to my knowledge.

7 Q. How come?

8 A. How come?

9 Q. Well, you said that normally a pilot
10 accused of an infraction was granted a two-week period
11 to present his defence and you say that he was not
12 granted this two-week period?

13 A. Well

14 Q. You may refer to your notes if you
15 wish.

16 A. I do not have any notes on this. It
17 is a case of it takes quite a while before this is
18 processed and this is a chance, I suppose you would
19 say, to appeal the sentence. I mean, the evidence
20 had been reviewed previously and it was the opinion
21 of the authority that this should be imposed.
22 Therefore I was instructed to do so and to report
23 the dates of which the suspension was effective.

24 THE CHAIRMAN: But at that time the pilot
25 had had the opportunity to defend himself?

26 THE WITNESS: He had had an opportunity
27 previous to this time to defend himself. He also
28 had two weeks' time afterwards which he could have
29 had the sentence -- or whatever you want to call it --
30 remitted probably.



1 MR. JACQUES: Q. So actually the
2 two-week period was granted at that time, the
3 suspension becoming effective before the two-week
4 period had elapsed?

5 A. Yes, that is right.

6 Q. And then if he had been successful
7 in his appeal the suspension would have been can-
8 celled?

9 A. That is right.

10 Q. But he would not have worked during
11 that period of time?

12 A. No, he would not have worked during
13 that period of time, so I suppose he would have been
14 the winner.

15 Q. He would have been paid after
16 although he did not work?

17 A. Yes, that is right.

18 THE CHAIRMAN: Before you take a further
19 topic, we will adjourn for ten minutes.

20 ---SHORT RECESS

21 MR. JACQUES: Q. Now, Captain, to pursue
22 the subject which started a moment ago, how was the
23 pilot made aware of the accusation laid against him?

24 A. I called him to the office, indicated
25 that I wished to see him, and when he appeared before
26 me I presented him with the letters, and accusations
27 concerning him and informed him, of course, that I
28 would have to proceed and inform my superiors of the
29 accusations and the evidence that I had in writing,
30 also the ship's Master's statement.



1 English

2 He was, of course, informed at that
3 time: "This is the evidence against you; what have
4 you got to say?" Whereupon he submitted a statement
5 and this was all transmitted to headquarters in the
6 course of -- possibly a month may have elapsed from
7 the time the original accusation was made.

8 During this interval the pilot had
9 an opportunity to present his case and after a month
10 elapsed he was penalized. At the time he was penalized
11 I informed him, handed him a letter stating the
12 duration of the suspension and informed him that he
13 had an additional two weeks again to appeal the
14 decision.

15 Q. And he did not avail himself of the
16 privilege of appealing?

17 A. Not to my knowledge, because he was
18 instructed to write that he would appeal to the
19 Director. The address and instructions were on the
20 letter. He did not necessarily have to go through me.

21 Q. What about the second case you
22 mentioned? I believe you said it was a case of the
23 pilot leaving a ship. Would you tell us about that,
24 please?

25 A. Again I called the pilot.

26 Q. How were you first aware that the
27 pilot had left his ship, presumably when he should
28 not?

29 A. Of course, every morning when I come
30 in the office I look for the ^{dispatching} situation. Of



1 English
2 course the transport operating clerk who has the
3 duty gives me a resumé of the happenings during the
4 dark hours. In other words, I get the gen in the
5 morning when I come in.

6 Q. What were you told about this in
7 the morning?

8 A. I was told that the pilot had left
9 the ship at a certain place and that they had had to
10 supply another pilot. This, of course, is an out-
11 standing thing or an unusual dispatch that would
12 arouse my curiosity.

13 Q. Did they give any reason why the
14 pilot had left the ship?

15 A. No, they did not give any reason;
16 it was up to the pilot to give the reason.

17 Q. But they did not tell you why he had
18 left the ship?

19 A. They did not know why.

20 Q. I see. Then what did you do?

21 A. I called the pilot and received a
22 statement from him. There were two misdemeanors
23 involved.

24 Q. What were they?

25 A. One was that he had stayed on the
26 ship at a certain place too long contrary to the
27 regulations. He had remained aboard the ship in
28 Port Colborne, which is quite close to the pilot office,
29 and this other infraction.

30 Q. How come he stayed on board the ship at



1 English

2 Port Colborne? Was the ship tied up there?

3 A. The ship was in there discharging
4 cargo. Port Colborne is a port where a considerable
5 amount of cargo is handled.

6 Q. Had he piloted the ship previous to
7 that?

8 A. Yes; he brought the ship down
9 eastbound to Port Colborne.

10 Q. Eastbound from where?

11 A. From Port Huron.

12 Q. And he had stayed with the ship?

13 A. That is right.

14 Q. Do you know if it was at the request
15 of the Master or the agent?

16 A. Well, I know he was in his home town
17 and whether it was at the request of the Master or
18 the agent, that is not the question. The pilots have
19 instructions that they are not to remain on the ship
20 close to a pilot station unnecessarily because a
21 pilot can be supplied within a couple of hours. This
22 is unnecessary both from the financial position of
23 the ship and the use of the pilot services.

24 Q. How soon is the pilot supposed to
25 report to the station -- when the ship arrives
26 anywhere?

27 A. That is right.

28 Q. Had he reported in that particular
29 case?

30 A. No, he had not reported.



1 Q. Was your office aware that the ship
2 had arrived at that time?

3 A. Well, we were aware, yes.

4 Q. Was anything done? Did your office
5 try to contact the pilot and ask him whether he would
6 report or not?

7 A. No; we do not have any means of
8 contacting people that way.

9 Q. How many hours had he stayed on the
10 ship?

11 A. Well, he was on the ship over 24 hours.

12 Q. Including the pilotage; is that it?

13 A. From the time he arrived, when the
14 pilotage ceased, until he left again.

15 Q. He had been 24 hours in Port
16 Colborne?

17 A. Yes.

18 Q. Did you ascertain whether he was
19 actually on the ship or not?

20 A. No, I did not; I do not ascertain
21 that. I mean, a pilot is on a ship there. If the
22 ship is tied up for a few hours and if he wants to
23 go uptown for a haircut, I do not know.

24 Q. But you say he stayed over 24 hours?

25 A. Yes.

26 Q. In his own home town?

27 A. I suspect he may have gone home.

28 Q. But you do not know?

29 A. I do not know.

30 Q. What happened? You say he stayed with



1 English

2 the ship but presumably he left the ship?

3 A. He rejoined the ship when the ship
4 sailed and completed the passage.

5 Q. Tell me now, how come he could
6 rejoin that ship without dispatching done from your
7 office?

8 A. He was never taken off the ship
9 officially.

10 Q. I see. According to your books he
11 was still on the ship?

12 A. Still on the ship. He never left
13 the ship.

14 Q. I see. Then what happened?

15 A. What happened?

16 Q. He left with the ship; presumably
17 he was bound for Port Weller?

18 A. And he proceeded down with the ship.
19 Somewhere down the Canal he had difficulty with
20 the ship's Master.

21 Q. What kind of difficulty?

22 A. Well, a disagreement.

23 Q. Over what matter?

24 A. Over the method of handling the
25 ship or something of that nature.

26 Q. I see. That was before she reached
27 Lock 7?

28 A. Well, during the course of the passage
29 there.

30 Q. Was that before the ship had reached



1 English

2 Lock 7?

3 A. Their difficulties I do not think
4 started until they were about Lock 7. In this case
5 the pilot was bringing the ship down the Canal.

6 Q. And there was no change-over at Lock 7
7 in that particular case?

8 A. Not in this case, no.

9 Q. Why not?

10 A. Probably there was not a man available.
11 That must have been the reason.

12 Q. Would your office have any record
13 of a request from that pilot for a relief at Lock 7
14 -- a relief in the usual manner?

15 A. We keep a message book. I am sure
16 there would be a record of it.

17 Q. Would you check whether he had
18 requested relief at Lock 7 in the usual manner?

19 Then what happened?

20 A. Eventually the ship proceeded down
21 the Canal. The captain and the pilot were at odds.
22 The captain countermanded the pilot's orders and
23 this sort of thing. The pilot, of course, finally
24 became exasperated and eventually tied up the ship.

25 Q. When one ties up a ship like that
26 in the Canal does one have to obtain permission from
27 someone prior to doing it?

28 A. From the Canal Control. In this case
29 I think there was very little, if any, delay involved.

30 Q. And you presume that he obtained



1 English

2 permission from the Canal Control?

3 A. Yes, I presume so.

4 Q. You did not get in touch with the
5 authorities to find out whether he obtained permission
6 or not?

7 A. This is very early in the morning.
8 I believe the ship was moored to a tie-up wall and
9 by the time he was required to enter the Lock and
10 proceed, we had effected a relief.

11 Q. What you have stated a moment ago
12 is knowledge gathered during the course of the
13 enquiry which you held? This disagreement between
14 the Master and the pilot is something you found out
15 afterwards?

16 A. The pilot, of course, gave us a
17 statement to this effect.

18 Q. Gave you a statement to that effect?

19 A. Yes.

20 Q. Did he state any other reason why
21 he would want a relief? Did he say he was sick or
22 something?

23 A. Oh, no, he did not have any pretensions
24 of being sick -- except sick of the skipper.

25 Q. All right. How did you proceed to
26 impose a sanction on this pilot?

27 A. Well, again, of course, I summed up
28 the situation. Of the two events probably I considered
29 the early infraction the more serious. Again there
30 was the consultation with my superiors.



1 English

2 Q. What sanction was awarded against
3 the pilot?

4 A. Two days.

5 Q. That was last year. The year before
6 that did you have any disciplinary cases?

7 A. 1962?

8 Q. 1962, yes.

9 A. We had two cases, I believe, in 1962,
10 one of which was a pilot ---

11 Q. Do not mention any names.

12 A. No, but the case of a pilot who
13 became unavailable when he was called for duty. If
14 this were to be called a disciplinary case it should
15 be remembered that there are certain sort of standing
16 orders which were established. It is not so much a
17 case of imposing discipline as it becomes an
18 automatic thing. That is to say, if you are unavail-
19 able you are unavailable for 24 hours. We mentioned
20 this previously.

21 In this case the pilot, of course,
22 becoming unavailable loses a day's pay -- unavailable
23 for any reason and he loses a first day's pay. So
24 in these cases this is how a pilot -- it consists of
25 a penalty in that respect.

26 Q. I see.

27 A. But it did not require a case of an
28 investigation or that sort of thing.

29 Q. I see. And the second case?

30 A. The second case was a pilot leaving a



1 English

2 ship without permission or failing to complete his
3 duties, which consisted of taking a ship through the
4 Canal.

5 Q. Tell us more about that. Why did
6 he leave the ship? Why did he not complete his
7 duties?

8 A. The pilot moored the ship in the
9 Canal because he said he was too tired to complete
10 the journey.

11 Q. I see. Do you have your file on
12 that? I do not want to start asking you a lot of
13 detailed questions since this dates back to 1962 unless
14 you have your file.

15 A. I just have some letters here.

16 Q. Are you able to tell us how long that
17 pilot had been on duty before he left the ship?

18 A. How long he had been on duty before
19 he left the ship? I do not have the exact time here
20 now. I think it was about 16 hours.

21 Q. I see. Would you have any information
22 as to his duty before he joined that particular
23 ship?

24 A. I have not got the exact time here,
25 no. I could tell you from my memory, if you wish
26 me to do so.

27 Q. Yes?

28 A. I believe that the pilot had been
29 on duty 16 or 17 hours the day previously and he had
30 16 hours' rest, when he was assigned again.



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Watson, dir
(Jacques)

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1 English

2 Q. Again, and he was then again 16 hours
3 on duty?

4 A. Yes, that is right.

5 Q. At the end of that section or third
6 period of 16 hours, that is when he got off the ship?

7 A. That is when he tied the ship up.

8

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English

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A. That is when he tied the ship up.

Q. When he tied it up?

A. Yes.

Q. You have read a report on this man afterwards?

A. A medical report?

Q. Yes?

A. Not in connection with this affair.

Q. Now, at that particular time was 16 hours of duty a normal period of duty?

A. No, I couldn't say this was a normal period of duty; that is never a normal period of duty.

Q. Was it an excessive period of duty?

A. Yes, I would say it is an excessive period of duty.

Let me qualify this by saying that if this is a ship master -- this is something that he experiences in his business -- excessive periods of duty. Sometimes it is easy but sometimes it is hard. There is very little regulation of a ship master's duty, and pilots are comparable to shipmasters.

Q. Before tying up his ship had he requested relief?

A. Yes, he had.

Q. To whom?

A. The dispatcher.

Q. And why was he not granted the relief?

A. Because we didn't have relief. We didn't have the personnel. He requested relief two



English

1 or three times, probably.

2
3 Q. And how long was it before he tied up
4 the ship? How many hours elapsed between the first
5 time he requested relief until the time he tied the
6 ship up?

7 A. That I couldn't say.

8 Q. Do you think it is possible to find out?

9 A. No, I don't think it is possible to
10 find out.

11 Q. Did that occur in the Welland Canal?

12 A. Yes.

13 Q. Do you know at that time was there a
14 relief system in force at Lock 7?

15 A. We had a form of relief which we were
16 trying to work at that time. I think it was 12 hours.
17 We did try and provide relief after a pilot had been on
18 duty 12 hours.

19 Q. And where did he tie up his ship --
20 how far from, let us say, the terminal point of his
21 trip, in the direction he was following?

22 A Well, he tied up his ship at a dock
23 above the guard gate, which is known as the Beaverboard
24 Dock. This is probably a quarter of a mile above the
25 guard gate; and this is like about 15 miles from the
26 termination of the canal.

27 Q. At Port Colbourne?

28 A. Yes, at Port Colbourne. The ship was
29 up-bound.

30 However, in the time absorbed in getting



English

1 permission to moor the ship and eventually mooring the
2 ship it is reasonable to assume that the ship would have
3 been a very substantial/portion of the way up the canal and
4 nearly at the end of the journey.
5

6 Q. Would you recall the type of vessel?
7 Was it ocean-going?

8 A. It was an ocean-going vessel, yes.

9 Q. Would you know her size, approximately?

10 A. I believe it was what is known as a
11 liberty ship; probably 450 feet long and 56 feet beam.

12 Q. Do you know if it was the first trip
13 on the Lakes, or was it a master who had been on the
14 Lakes before?

15 A. I believe it was the first trip she had
16 been on the Lakes.

17 Q. For 1960 and 1961 did you have any
18 disciplinary cases?

19 A. Well, in 1960 I believe I had a
20 disciplinary case. I don't have a record of anything
21 in 1961.

22 Q. And in 1960 what would have been the
23 nature of the case?

24 A. This was a complaint of inebriation on
25 the part of a pilot.

26 Q. And did you follow substantially the
27 procedure which is outlined in the case of drunkenness?

28 A. That is right.

29 Q. You followed the same procedure. Did
30 you have an appeal in this particular case?



1 English

2 A. The pilot wrote on his own behalf to
3 the Minister. However, it was the opinion of the
4 authority that the weight of evidence against him was
5 too strong to be ignored.

6 Q. I see. Now, coming back to Lock
7 No. 7, we understand now that there was a change over
8 at that particular place, and we are advised that this
9 was not always so. Would you describe the evolution
10 of that particular aspect of the District since its
11 inception in 1960?

12 A. Well, of course, since 1960, and every
13 year, the conditions change some; ~~the~~ operations change
14 some. The first year, in 1960, we had 50 pilots
15 on strength at the start of the season. Very shortly
16 after the season was under way, within a month, and
17 within three months, two of the pilots who were new
18 pilots that year resigned. They felt that they were
19 not mentally equipped for this sort of work, so they
20 resigned.

21 We carried on that season with 48 pilots,
22 and our operation was restricted to from Port Weller
23 to Sarnia; no pilot from No. 2 District served outside
24 of their immediate District. They didn't go below
25 Port Weller or go above Sarnia and Port Huron.

26 Q. But now your pilots go into Lake Huron?

27 A. Yes; this is later on; but I am just
28 describing the operation in 1960. This was their
29 field of operation in 1960 -- was restricted from Port
30 Weller to Sarnia, within the district proper.



1 English

2 Of course, I think that all would agree
3 that the operation was not too laborious that first
4 year. There were occasions in the early spring and
5 late fall when the pilots were hard-pressed, but by and
6 large over the course of that season records would
7 show that most pilots had many spells of 4 and 5 days
8 off between ships, and as great as 6 or 7 days,
9 waiting turn for the ships.

10 In 1961 the Great Lakes Pilotage Agreement
11 was reached with the United States, and compulsory
12 pilotage districts were established on the Great Lakes
13 Basin, which commenced at about Cornwall and carried
14 on through the remainder of the Great Lakes. That
15 is known as the Great Lakes Basin; and three districts
16 were established.

17 Perhaps I could read some of this...?

18 Q. Yes; you may if you wish.

19 A. The Great Lakes Pilotage Act under
20 terms of International Memorandum of Arrangements...

21 Q. From what document are you reading?
22 This has been prepared by you?

23 A. I have just put this down to give a
24 little cohesion to the thing.

25 The Great Lakes Pilotage Act under Terms
26 of International Memorandum of Arrangements, designates
27 the entire Great Lakes Basin as pilotage waters and
28 divides this area into three districts providing
29 compulsory pilotage in parts of all three districts.

30 District No. 1 is bounded on the east by a



1 English

2 line projected from Raquet River ranges and extends
3 to the westerly limits of Kingston Harbour and Tibbets
4 Point on the United States side of the St. Lawrence
5 River entrance.

6 This is the district proper and is known
7 as designated waters for compulsory pilotage.

8 In addition, certain ships are required
9 to carry a registered pilot for the transit of Lake
10 Ontario and pilots from No. 1 District are required
11 at times to provide this service to these ships.

12 There are at present 6 pilots registered
13 for Lake Ontario only. Their purpose is to service
14 such as require pilots for Lake Ontario ports and
15 transit of the Lake...

16 Q. Do you know -- this is for the record --
17 whether there is an obligation on the part of District
18 No. 1 pilots to take ships across the Lake?

19 A. Yes.

20 Q. Carry on, please.

21 A. These pilots are considered trainee
22 pilots for District No. 1 and are paid by the United
23 States Pilotage Authority at Massena.

24 The six pilots registered consist of three
25 Canadian pilots and three United States pilots.

26 District No. 2: This District extends
27 from the easterly end of the Welland Canal on Lake
28 Ontario to the Huron lightship in Lake Huron with
29 a certain portion of Lake Erie not designated...

30 COMMISSIONER SMITH: Captain, I saw mentioned



1 English

2 somewhere that the Canadian channel between Lake Erie
3 and Lake Huron was included in District No. 2?

4 THE WITNESS: I am just coming to District
5 No. 2.

6 COMMISSIONER SMITH: Go ahead.

7 THE WITNESS: District No.2 extends
8 from the easterly end of the Welland Canal on Lake
9 Ontario to Huron lightship on Lake Huron with a
10 portion of Lake Erie not designated.

11 The Welland Canal section of the district
12 designated as compulsory pilotage waters is not
13 precisely stated as to the exact position of each
14 boundary. There is no description which defines the
15 boundaries of the designated waters as is common to
16 other districts.

17 It is generally assumed that the calling
18 in buoys at either end of the canal are the boundaries
19 of the Welland Canal because these are the points
20 where the canal traffic controller assumes authority.
21 However, this is not the case in pilotage. Pilots
22 are discharged at times in Lock 8 at the Port Colbourne
23 end of the canal and foreign ships negotiate two miles
24 of the harbour before entering the wider waters of Lake
25 Erie; also, some ships enter Port Colbourne Harbour
26 and moor above the southerly entrance to the canal
27 before the pilot boards.

28 The other portion of designated waters of
29 No. 2 District are bounded on the east of South East
30 shoal like to a point one mile east of Sandusky pier



1 English
2 light, and terminates at Lake Huron lightship at
3 the head waters of the St. Clair River in Lake Huron.

4 In addition to the designated waters,
5 some ships again require pilots on the open waters
6 and harbour of Lake Erie, Lake Huron and Lake Michigan,
7 and Lake Ontario is also serviced when no other pilots
8 are available.

9 This District No. 2, therefore, must be
10 considered for operational purposes to be 922 miles
11 long, and pilots must be familiar with 30 porrts of
12 some size as well as many small seldom-used ports in
13 addition to the Welland Canal, and 142 miles of
14 pilotage waters between South East Shoal and Huron
15 lightship.

16 This District is serviced jointly by Canadian,
17 in the number of 34, and United States pilots in the
18 number of 26.

19 The United States pilots are paid based
20 on their individual earnings after paying their share
21 of administration expense, pilot boats and travelling
22 expenses. A small proportion of the travelling
23 expenses are recovered from the ships when a pilot
24 is obliged to travel to or from ships outside of
25 the district proper.

26 Canadian pilots in this District are Civil
27 Servants and are paid a monthly salary for a period of
28 eight months, guaranteed, depending ^{on} attendance; in
29 addition, they are reimbursed for travel expenses
30 incurred away from their home port and transportation



English

1 is paid to and from assignments in their home port.

2 Canadian pilots accumulate sick leave at
3 the rate of three quarters of a day per month and
4 receive benefits of superannuation and public service
5 group surgical medical benefits.

6 The revenue earned by Canadian pilots pays
7 their share of pilot boat fees, travel expenses
8 and cost of administration and is, in effect, self-
9 sustaining operation at no cost to the taxpayer.

10 Compulsory retirement at 65 is presently
11 in effect because under the terms of the joint United
12 States and Canadian Agreement the proportion of
13 Canadian and United States pilots is to attain parity
14 not later than 1965.

15 That is, I think, the general picture.

16 Q. Will you come back to the evolution of
17 the change over at Lock 7?

18 A. This was a gradual transition from
19 the days of the sailing masters when the sailing master
20 would join the ship probably at Cornwall and remain
21 with the ship for the duration of the voyage on the
22 Lakes; it may have been for a matter of days, or it
23 could be in excess of a month. Pilotage gradually
24 changed this operation and working conditions were
25 changed -- or they were tried to be changed -- improved --
26 each year as we go along; and these alterations in
27 conditions were brought about by the importunities of
28 the pilots themselves. They speak to me and they speak
29 to the officials of the Department; and this was the
30



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1 English
2 result of their opinion and the opinion of the Department
3 that the hours of work in the Welland Canal were
4 excessive, and that was thought to be a way of reducing
5 the hours ^{of} work to a reasonable length.
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English

I am sorry, why we change at Lock 7, the first year we tried to improve by stipulating time a pilot would be on duty; he would be relieved if possible after 12 hours duty. This is a very difficult evolution to determine. When you start talking about duty, a pilot could possibly be aboard a ship at Port Weller for six or seven hours, and he may be sleeping in that time, but he is nevertheless on duty. He could possibly be on duty all night on a ship through some misadventure in the Canal, and 12 hours later, arriving at dock, he could ask for relief, which he would be entitled to do. It was therefore decided we would have a definite point where we would cut off and we would say this is at Lock 7. You will take the ship from Port Weller to Lock 7 and you will be relieved at that point. That is a precise point.

We have further refined that with the exact time that a pilot assumes duty there he is to report to the office, and the other pilot is relieved. This is a method of reducing the work load.

Q. But in 1960 there were no such rules?

A. No.

Q. You say pilots were limited to piloting between Port Colborne and Sarnia?

A. Port Weller and Sarnia.

Q. In the Welland Canal?

A. That was the exact proper District. That was the Welland Canal, St. Clair and Detroit Rivers.



1 English

2 Q. Oh, I'm sorry. Afterwards they were
3 requested to do later pilotage in Lake Huron and
4 Lake Ontario?

5 A. This was included in the District
6 when the international agreement was brought into
7 effect.

8 Q. That was in 1961?

9 A. That was in 1961.

10 Q. In 1960 there was no question of
11 changing at Lock 7?

12 A. No.

13 Q. And in 1961 then the system was
14 in force that if a pilot had been on duty for more
15 than 12 hours he would change at Lock 7?

16 A. Well, I wouldn't say it was in force.
17 We tried to do that, yes.

18 Q. What about the pilot coming from
19 Sarnia? He would automatically change at Lock 7?

20 A. Yes.

21 Q. Was there a change at Port Colborne,
22 the pilot taking a ship from Sarnia to Port Weller?

23 A. That was the custom in 1960, yes.

24 Q. At Port Colborne; is that it?

25 A. No, in 1960 he took the ship from
26 Sarnia to Port Weller or he took the ship from Port
27 Weller to Sarnia. There was no routine of relief or
28 split passage established. If for some reason -- if
29 the pilot was sick or he had some personal reason
30 he had to get off, then we would probably effect a



1 English

2 relief, but there was no provision then for splitting
3 the trip in 1960.

4 Q. The provision was made later on for
5 relief if possible at Lock 7?

6 A. When we first set up to try and
7 provide relief after 12 hours duty, that was the
8 first evolution and improvement, and then it was
9 found that this did not always work satisfactorily,
10 so we decided we would try at Lock 7; we would have
11 a precise point, and this was just put into effect
12 last year, in 1963.

13 Q. What about the pilot coming from
14 Sarnia? How long would it take him to go from
15 Sarnia to Port Colborne?

16 A. Going directly from Sarnia to Port
17 Colborne it would take him -- 24 hours.

18 Q. Would he be relieved at Port
19 Colborne?

20 A. No.

21 Q. He had to go on straight through
22 to Lock 7?

23 A. When he comes to Southeast Shoal
24 which is about 12 hours below Sarnia, then he is
25 normally off duty. His ship has ^acertificate of
26 exemption, and he is off duty, so the pilot is called
27 on before he comes to the Welland Canal; he is not
28 standing on the bridge all the way across Lake Erie.

29 Q. If the ship has a certificate on
30 board?



1 English

2 A. If the ship has a certificate, then
3 he is in the same position as any ship Master; he
4 is subject to call if required.

5 Q. And he is not relieved at Port
6 Colborne but he is relieved at Lock 7?

7 A. Yes.

8 Q. How long is it from Port Colborne to
9 Lock 7 roughly?

10 A. Ask me how long is a piece of string.

11 Q. How long does it take?

12 A. You mean exactly? Once you get
13 started into a lock, there is a lot of things that
14 accumulate. A ship comes to Port Colborne, to the
15 Fairway buoy; he calls the Canal Control and he
16 indicates, "I am here, I am ready to canal", but
17 there may be three or four ships at anchor there
18 waiting their turn.

19 Also in the harbour above the lock
20 there could be two or three ships moored above the
21 lock waiting their turn, so that the pilot could come
22 down there and spend six hours, twenty-four hours,
23 waiting to start to go to work. I do not believe if
24 he is going to be there 24 hours he is going to stand
25 up there 24 hours, but there could be a case where it
26 is three or four hours where it is not worth going
27 to bed, and you have to be on the alert. He would
28 then come in to Port Colborne and spend two or three
29 hours on the bridge while above the lock, and then
30 enter the lock, and it could be three hours, four hours



Watson, dir
(Jacques)

1 English

2 from Port Colborne to Lock 7, if you put it that
3 way.

4 Q. I see. From Lock 7 to Port Weller?

5 A. Well, normally this evolution should
6 not exceed 8 hours, and I think oftentimes it would
7 be less than 8 hours.

8 Q. I find it rather strange the pilot
9 coming from Sarnia is up for hours and hours and days,
10 and he changes at Lock 7, and the pilot coming from
11 Port Weller who may be up 12 hours changes at Lock 7
12 also. What is the logic behind it?

13 A. Well, of course the pilotage from
14 Port Huron or Sarnia to Southeast Shoal is not of
15 the intense nature of ship handling in the restricted
16 waters of the Welland Canal. The Welland Canal, the
17 surface of the water is 300 feet, and the bottom
18 is about 190 feet, and you have large ships, and of
19 course you are confronted with cement walls, so that
20 a pilot in the Canal can hardly blink his eyes. In
21 the river you can breathe normally and see the outlook
22 ahead, and you possibly might be able to sit down.

23 Then, of course, again it is
24 assumed he has a rest coming across Lake Erie, so
25 he is practically the same whether he sleeps in bed
26 on the ship or sleeps in bed in the hotel. He is
27 getting up out of bed, and he is ready to perform
28 his work again after a day or night's rest.

29 Q. I see. Apart from this evolution
30 which has been explained, would you give the Commission



1 English

2 an idea of the evolution of work conditions apart
3 from this particular case?

4 A. Well, what do you define as working
5 conditions? What they have to do?

6 Q. Yes, dispatching, periods of rest
7 between trips.

8 A. Well, we will start the pilot off
9 in bed. A ship comes to Port Weller or we get a
10 call from an agent, and there is a list, a
11 roster there, assignment list of pilots who are
12 available for duty. And when the dispatcher gets
13 an order, he marks the order down, gets particulars,
14 and he looks up his assignment list or the pilot's
15 roster there and calls the first pilot on the list
16 for the ship.

17 We practice 12 hours rest. There is
18 nothing official that states they must have 12 hours
19 rest, but that is the minimum we try to practice.

20 Q. How much notice do you give them?

21 A. We try to give them a minimum of two
22 hours' notice. We have had requests every year
23 for a different calling system. Some like 27 minutes,
24 some like an hour and a half, and some want two hours
25 and five minutes and so on, but we try to give
26 them two hours.

27 Q. Has that changed since 1960?

28 A. Not materially, no. We try to give
29 them two hours notice. Sometimes it is not possible.
30 A ship sails from Toronto, and by the time it is on



1 English
2 the teletype at Toronto the ship is only one and one
3 half hours out, but if we can we give them two hours'
4 notice.

5 The pilot boards the ship at Port
6 Weller and proceeds up the Canal, and when he is in
7 the flight locks, Lock 4 or 5, he calls the dispatcher
8 and says he expects to be in Lock 7 at a certain time,
9 and tells the dispatcher of course he is expecting a
10 relief in Lock 7. Ninety percent of the time the
11 dispatcher says, "Yes, there will be a relief at Lock 7
12 for you".

13 When the pilot brings the ship into
14 Lock 7 and the other pilot boards the ship, the pilot
15 disembarks, and the boarding pilot reports to the
16 dispatcher that he has boarded the ship and has assumed
17 duty, and the dispatcher then marks the disembarking
18 pilot's time off and the time he is free.

19 His time then ashore is accumulated
20 or counted as from that time. Then if a ship proceeds
21 the pilot proceeds with the ship to his destination.

22 Q. I see. I am advised that working
23 conditions have improved in the District since 1960,
24 and I would like to to tell me which conditions are
25 improved, and in what way they have improved. We have
26 dealt with the question of changeover at Lock 7.

27 A. Well, that is one. There are two
28 major improvements then. I would say the other improve-
29 ment is at the Department instructions this year I was
30 instructed to see that each pilot was given three days,



1 English

2 three clear days holidays per month. This was provided
3 for six periods of days of rest. That is to say, each
4 Canadian pilot in the District received 18 days, six
5 periods of three days.

6 This, of course, started off rather
7 simply. That is to say the procedure for doing it,
8 we start in the middle of the month, and from the top
9 of the pilot's roster we took four men and said, "You
10 are free for 72 hours". This is exactly 72 hours
11 because this is the way it works out mathematically,
12 so many men and so many days in the month. It must
13 be a precise number of hours. It is 72 hours. The
14 dispatcher tells the pilot that he is to have three
15 days leave, and he marks his time out and when he is
16 expected back in. Upon the return of those four
17 pilots three days later, we go on down the list.

18 As the month progresses of course
19 you can see we do not always have four men on the top
20 of the list who have not had holidays, so it becomes
21 a little more difficult to find these people, and we
22 use a couple of days sometimes to get people who are
23 eligible for relief.

24 It also happens that because of
25 this system it can be that a pilot will have three
26 days leave on the 15th day of June, and his turn would
27 be such that he is not getting any leave again until
28 the 12th of August. There is a two-month space in
29 there in which we have to get in this one-month leave
30 per month. I do not know if I am confusing the issue.



1 English

2 Q. Three days leave per month?

3 A. Yes.

4 Q. But on the whole, for the whole
5 season, how many days leave does a pilot get?

6 A. This year each pilot received 18
7 days leave with pay.

8 Q. During the navigation season?

9 A. During the navigation season.

10 Q. In theory they are supposed to have
11 three days every month?

12 A. Yes.

13 Q. But in practice it is sometimes
14 a little more than a month between them?

15 A. You can't possibly do it within a
16 month.

17 Q. But does every pilot get his 18 days
18 a season?

19 A. Every pilot last season got 18 days.

20 Q. Every pilot got 18 days leave?

21 A. Yes, every pilot who was there,
22 let us put it that way.

23 MR. JACQUES: All right, My Lord.

24 THE CHAIRMAN: We will adjourn now until
25 2:30 this afternoon.

26 ---LUNCHEON ADJOURNMENT.

27

28

29

30



English

MR. JACQUES: My Lord, I am advised by the Secretary of the Commission that the prevailing rate employees general regulations have not been filed. I was under the impression that they had. If it pleases, I should like to file them as Exhibit 1007.

--- EXHIBIT 1007: The prevailing rates employees general regulations 1963 as amended by Treasury Board Minute 609506-1.

At the same time I should like to file as Exhibit 1008 the Great Lakes Pilotage Regulations. PC 1961-623.

--- EXHIBIT 1008: Great Lakes Pilotage Regulations PC 1961-623.

MR. JACQUES: Q. With respect to relief of pilots at Dock No. 7, have you prepared a statement showing the number of dispatchings, the number of times relief was requested, the number of times relief was granted and the number of times relief was refused for the year 1963, I believe?

A. I have a statement here covering the period April 16th until October 26th. It was at about this time that the Department asked me to prepare a statement and give them an idea of the conditions that had prevailed.

Q. That is for the year 1963?

A. That is for the year 1963, yes.

Q. Would you state the total reliefs required for that period?



1 English

2 A. I do not have the figure of the actual
3 number of reliefs required, but I have a summary here
4 which states that of 199 pilotage days ---

5 Q. Excuse me. Would this be the
6 statement?

7 A. Yes, that is the statement.

8 MR. JACQUES: I should like to file this
9 as Exhibit 1009.

10 THE SECRETARY: Could we have the des-
11 cription, please?

12 MR. JACQUES: Statement showing relief
13 of pilots at Lock No. 7 for the period extending from
14 April 16th to October 26th, 1963. This document shows
15 that 1,231 reliefs were required and that 1,135 reliefs
16 were supplied and 96 were refused.

17 --- EXHIBIT 1009: Statement showing relief
18 of pilots at Lock No. 7
19 from April 16 to October
20 26, 1963.

21 Q. I take it from your evidence this
22 morning that the reasons for the refusal would be
23 lack of pilots?

24 A. That is correct.

25 Q. Would it be a fair assumption then
26 that the number of pilots in the District is not
27 adequate to ensure operation of the District that
28 relieves at Lock No. 7?

29 A. There are pilots; when there are not
30 enough pilots, yes.

31 Q. This morning we mentioned working rules



1 English

2 and you stated that you were currently working on a
3 draft of a proposal for working rules. Prior to that
4 did you have any written rules of any kind in this district?

5 A. Yes. I am afraid I may have left
6 the wrong impression there. We have always had
7 rules, whether it has been posted on a notice board
8 or drawn up from time to time as incidents occurred.

9 At the time I started in 1960 there was
10 nothing laid down beyond a general instruction of
11 how the operation should be conducted. From time to
12 time situations arose in Port Weller and in Sarnia
13 which required a ruling, a clarification. As these
14 situations arose a ruling was made and published.
15 We also drew up general rules at a later date, but
16 although these rules were used as a guide by the
17 dispatchers and they applied at the time, because of
18 the continual change that was going on in the District
19 from 1960 until 1963 we were never firmly in a position
20 to state rules shall be thus so.

21 However, as I said previously, I feel now
22 that we are in a position to make some regulations
23 which will apply to everyone, both American and
24 Canadian.

25 I would like to add, if I may, that these
26 rules that are drawn up are not pulled out of a hat.
27 These are rules which are drawn up because of the
28 influence primarily of the pilots themselves.
29 They have expressed opinions to me on various methods
30 and various operations and by and large when we make



English

1 regulations regarding the operation it is chiefly the
2 influence of the pilots themselves.

3 Q. How did you receive this advice, or
4 rather was it given you by the Corporation of
5 Professional Great Lakes Pilots, or was it individual
6 pilots who made comments on the work?

7 A. No, usually individual pilots themselves
8 would bring certain matters to my attention.
9 Sometimes I may be talking to two and three together,
10 but by and large it is the pilots who come there
11 separately who have influenced these things.

12 I do not always agree with them, but I
13 certainly agree when they bring these things to my mind
14 that it needs a regulation, that we must make a
15 decision this way or that way, and this is what gives
16 birth to regulations.

17 Q. Were ever any recommendations or
18 comments made by the Corporation of Professional
19 Great Lakes Pilots or by the Civil Service Association
20 of Canada with respect to working rules?

21 A. Not to me directly. They usually
22 bring their recommendations to the Department.

23 Q. But not to you?

24 A. But not to me directly.

25 Q. This morning before we adjourned we
26 were discussing the improvements in the working
27 conditions of pilots and you have mentioned them too.
28 The first one is the relief at No. 7 Lock; the second
29 one is three days' a month leave. Can you think of
30



1 English

2 any other improvement which has taken place?

3 A. Well, we always seek improvement and
4 if we can expedite it, we have from time to time met as
5 requirements presented themselves. We have used a
6 harbour pilot ---

7 Q. Would you explain that?

8 A. At Port Weller. That is to say, we
9 have taken a man from the tour de roll and given him
10 the duty of bringing ships which were anchored in the
11 roadstead themselves in times of congestion in traffic
12 in the canals. Of course, under such conditions the
13 ships are waiting out at anchor. The harbour at
14 Port Weller, of course, the tie-up wharves will be
15 full all the time.

16 This entails a pilot going out to a ship,
17 waiting his turn and finally being ordered in by canal
18 authorities to come into the harbour, and the ship
19 wait at the tie up wharves. If he is third in turn,
20 say, for the Lock, it will be an hour and a half interval
21 at least between turns, so this could present a delay
22 of four and a half hours or more in the pilot's time
23 waiting from the time he boarded the ship until he
24 really commenced to work.

25 In order to avoid the wastage of the pilot's
26 time we would call a man from the tour de roll and
27 say: "You will be harbour pilot for 12 hours."

28 This man's duties then would be to bring
29 the ships in from the anchorage alongside the walls.
30



1 English

2 He would then advise the master of the ship the
3 procedure, that he must keep himself in turn, he must
4 haul his ship by the mooring lines up in position and
5 when the ship is ready to canal a pilot would be aboard.

6 The same harbour pilot would then advise the
7 dispatcher in the office, appraise him of the situation
8 and say: "You call a pilot for this ship" -- at a
9 certain time. The pilot was in a much better position
10 to do this than the dispatcher.

11 The object of this was to save the pilot's
12 time, which would be from that example four or five
13 hours' standing around before he really commenced to
14 work.

15 Q. When was that system brought into
16 operation?

17 A. We started using that, I believe, in
18 1961. It was used extensively in 1962. It was
19 not used very much last year because of the fact that
20 the pilots were being relieved at Lock 7 and their
21 total duty was not often over 12 hours or 10 hours
22 anyway from the time they boarded the ship until they
23 had to pilot it.

24 Q. When that system was in operation did
25 you receive any adverse comments from the pilots?

26 A. No. I think the pilots were
27 favourably disposed towards this operation.

28 Q. In 1963 did you receive any requests
29 from pilots to reinstate that system even though there
30 was a change over at Lock 7?



1 English

2 A. Possibly there may have been comments
3 to the effect that we should have a harbour pilot on
4 now, and there may have been times when we should have
5 had a harbour pilot on. However, this is something
6 that we do not do lightly and depending on the
7 responsibility of the dispatcher -- possibly the
8 dispatcher could see things which the pilots could
9 not see. Very often their appraisal of a situation
10 is different from ours because of different information
11 available.

12 Q Now, sir, I understand that there is
13 a pilot boat maintained at Port Weller?

14 A. That is correct.

15 Q. Is that boat to your knowledge used
16 exclusively by the pilots?

17 A. Not exclusively.

18 Q. I am also advised that there is or
19 there has been a ruling made to the effect that vessels
20 will enter at Port Weller at a tie up wall whether
21 they have a pilot on board or not. Are you aware of
22 that?

23 A. I do not think this is a ruling.
24 Actually I do not know just exactly how you mean.
25 Just let me explain ---

26 Q. Would you explain the situation?

27 A. The Seaways position on this is that
28 if a ship comes up to Port Weller and asks for passage on
29 the canal, they have no recourse but to give her
30 passage on the canal. They are not concerned whether



1 English

2 the ship requires a pilot, needs a pilot, or anything
3 else. This is the law of the land, that the first
4 ship up there should get the first turn. So therefore
5 the Seaway has no requirement that a ship have a pilot.
6 They are not interested in that.

7 We do not specifically have a ruling which
8 states -- this is pilotage I am referring to now --
9 that the ship must have a pilot aboard to enter the
10 piers at Port Weller. We simply have the designated
11 waters of the Welland canal as from Port Weller to Port
12 Colborne.. So there is no legal basis to compel a
13 ship to take a pilot in through the piers.

14 Q. Perhaps I was not quite clear. I am
15 under the impressinn that the pilotage authorities have
16 decided that vessels without pilots arriving off Port
17 Weller will enter Port Weller at their turn to enter
18 the Seaway with or without a pilot?

19 A. You are referring to ships that, of
20 course, have a certificate of exemption?

21 Q. Yes, that ships would not be boarded off
22 Port Weller by pilots, but rather that the masters would
23 take their ships into Port Weller at a tie up wall and
24 the pilot would board them.

25 A. I believe that the wording is that they
26 need not. If the master of the ship requests a pilot
27 to board outside, it is my understanding that if the
28 master of the ship requires a pilot outside the pilot
29 will board outside. But if a ship coming up the lake
30 with a lake pilot aboard -- this is a ship without a



English

certificate of exemption; she will therefore have a lake pilot aboard, or it will have one of our pilots or a number 1 District pilot -- if there is a pilot aboard he will then bring the ship into the wall at Port Weller and the No. 2 District pilot will board the ship at that point.

MR. LALONDE: Is there anything in writing in this respect? My friend has been referring to a ruling.

MR. JACQUES: Would the Commission excuse me for a moment?

Q. Captain Watson, I show you a letter which purports to be signed by you addressed to Lakeshore Transportation. Would you tell me whether you wrote that letter?



1 English

2 A. Yes, I wrote the letter.

3 MR. JACQUES: I should like to file this
4 as Exhibit 1110.

5 ---EXHIBIT NO. 1110: Letter from Captain Watson to
6 Lakeshore Transportation, dated
7 June 17, 1963.

8 Perhaps I should read it. The
9 letter is dated June 17th, 1963 and is addressed to
10 Lakeshore Transportation, 16 Lock Street, St. Catharine's,
11 Ontario, and is in the following terms:

12 "Dear Sirs:

13 The Department has surveyed the pilot
14 boat service at Port Weller in view of
15 questions raised by the Shipping Federation
16 of Canada and United States Great Lakes
17 Pilotage Administration.

18 The conclusion has been reached that
19 considerable time is lost exchanging
20 pilots off Port Weller station and
21 sometimes delays have resulted in ships
22 losing turns into the Canal. This is
23 no reflection on the pilot boat service.
24 It has been decided that Lake pilots will
25 bring ships into the wall at Port Weller
26 and will take ships out from Lock 1 to
27 Lake Ontario, and such ships whose Masters
28 are familiar with these waters will bring
29 their ships into Port Weller and take
30 their ships out.



English

This procedure may result in a marked drop in your revenues. Bearing this in mind the Department has deferred implementation of this order until the opening of the 1964 season in order to allow you to recoup your capital investment represented by boats, etc...."

And the letter is signed "J.M. Watson, Supervising Pilot."

There is mention of delays in this letter. Would you care to elaborate on that?

A. Perhaps I should start by giving you a picture of the situation as it exists at Port Weller.

The procedure is that a ship approaching the Welland Canal from the east calls the Canal Control and informs him that they will be at the calling in buoy at a certain time. We have also been advised that a pilot will be required at a certain time.

It is quite possible that the pilot boat may be out removing a pilot when the pilot comes down to board; and the pilot boat comes in and takes out the pilot.

In the meantime another ship has come up, and we will say this is a domestic ship -- a lake ship which has come up and it reports into Canal Control that he is at the buoy ready to come in. The



1 English

2 pilot is not on board the ocean-going ship, so that
3 lake boat probably takes the ocean-going ship's
4 turn.

5 This probably is no fault of the
6 pilot boat.

7 Sometimes the lake boats will call
8 in a little ahead of time too; but it does result
9 sometimes in a ship requiring a pilot losing its turn.
10 There is some delay. Sometimes there are several
11 ships to service at one time.

12 This could be overcome, of course,
13 if a pilot were to board anyplace. That is to say,
14 within reason. I understand that the Canal this year
15 will not -- will just simply ask the Master if he is
16 ready to come in and they won't make any inquiry
17 about a pilot whatever. Formerly the Canal's procedure
18 was that they would question the Master of the foreign
19 ship arriving and ask him, "Do you have a pilot on
20 board?" And if a Master replied that he didn't have
21 a pilot on board then the Canal Control would say,
22 "When the pilot is on board have him call me and I
23 will give you a time from that time." They were
24 doing that possibly to cooperate with the pilotage
25 service, although they knew they weren't required to do
26 it. But this year they are not going to do it. They
27 are going to tell the ship to come in providing the
28 Master is ready to come in. If the Master doesn't
29 want to come in without a pilot we will have to provide
30 a pilot and he will have to wait his turn.



1 English

2 Q. Apart from that have you found
3 that the pilot boat service at Port Weller was
4 satisfactory?

5 A. Yes; I feel that the pilot boat
6 service is satisfactory.

7 I am also of the opinion that we
8 need a pilot boat.

9 Q. You need a pilot boat?

10 A. Yes.

11 Q. Have you got a pilot boat at Port
12 Colborne?

13 A. No.

14 Q. Have you found any need for some
15 means of transportation of pilots from the land to
16 the ship, and vice versa?

17 A. We have only on a very rare occasion
18 had to have a pilot aboard in the open waters of Lake
19 Erie. Normally, if a ship is to proceed across Lake
20 Erie to an undesignated port then the pilot may be
21 discharged at the lock in Port Colborne. This has
22 been the procedure.

23 On some occasions a ship that has
24 a B certificate -- I am speaking now chiefly of our
25 domestic ships of foreign registry -- when they have
26 had a change of orders -- they have gone out on Lake
27 Erie and had a change of orders, or something of that
28 nature -- in any case they don't have a pilot on board
29 and find they have to come to a port which is situated
30 in designated waters, then they have had, under these



1 English

2 circumstances, to apply to the Coast Guard for a
3 waiver of pilotage.

4 Q. Would you explain that a little
5 more fully -- this waiver of pilotage?

6 A. Well, if a ship comes to this
7 Canal lock -- if a ship comes to any port -- we will
8 say Port Weller -- and this is an ocean-going ship
9 and he requests a pilot -- this is compulsory pilotage
10 -- the Canadian law is that if we are unable to supply
11 a pilot we simply inform the Master to this effect
12 and he is at liberty to proceed.

13 There is no such thing as a waiver
14 of pilotage in Canada. We don't give anybody per-
15 mission to abide by the law. This is unnecessary.
16 But when the ship proceeds on and is about to enter
17 international waters at South East Shoal the law
18 reads the same in the United States except that it
19 is at the pleasure or discretion of the commander of
20 the Coast Guard in the district involved, and the
21 waiver of pilotage has to be requested and that has
22 to be done through our office. They will accept
23 no one else's request. We have to tell them that
24 we will not have a pilot for a certain length of time.
25 So, therefore, if a ship is caught outside of Port
26 Colborne with a change of orders and we are asked to
27 put a pilot on board we have to find somebody with a
28 boat which will take the pilot out. Needless to say,
29 of course, this boat wouldn't comply with Steamship
30 Inspection regulations; but any kind of vessel at all



1 English

2 to get the pilot aboard. This is very rare.

3 Q. With reference to lake pilots again,
4 do you consider that you are duty bound to provide,
5 upon request, a registered pilot for lake work, or
6 is there a priority in this field?

7 A. Do you mean a ship that has a
8 certificate of exemption and still

9 Q. Well, has or has not?

10 A. Well, we feel responsible to
11 supply a pilot to any ship which requests one,
12 regardless of what the certificate is. If we are
13 asked for a pilot we will supply one if possible.

14 Q. A lake pilot -- from your pool of
15 registered pilots?

16 A. Well, that will depend on the
17 supply of pilots and the situation. If I consider
18 that our supply of pilots is insufficient to take
19 care of designated waters and somebody wants a pilot
20 to go down the lake with him I will tell him that
21 I can't afford to give him a pilot for that.

22 Q. Has this occurred?

23 A. Yes, this has occurred.

24 Q. When? This year -- 1963, I should
25 say?

26 A. Well, I won't say 1963; but I
27 know in 1962, for sure.

28 Q. Then it is not very frequently you
29 turn down a request for a lake pilot from among your
30 registered pilots?



1 English

2 A. No, it is very rare.

3 Q. Now, coming to travelling expenses,
4 I understood you to say that you were reimbursing
5 pilots their travelling expenses; is that correct?

6 A. That is correct.

7 Q. And what do you mean by "travelling
8 expenses"? What does it cover?

9 A. Locally -- that is to say, certain
10 pilots designate Port Weller as their home area; a
11 few pilots designate Sarnia as their headquarters --
12 their home. In their home areas pilots are reimbursed
13 transportation from and to the ship; and if the pilot
14 is dispatched -- transferred from Port Weller to
15 Sarnia or from Sarnia to Port Weller, the transportation
16 cost is borne by Pilotage.

17 In fact, all transportation is paid.
18 Only recoverable transportation, which is a very small
19 percentage of the transportation, of the pilots'
20 expenses, are the cases where a ship requires a pilot
21 in undesignated waters; that would be, say, in Lake
22 Erie, between Buffalo and Cleveland, or Port Stanley -
23 Port Burwell -- that is, undesignated waters of
24 Lake Erie; also Toronto and Hamilton are undesignated
25 waters; and some other ports on Lake Ontario -- Chicago,
26 Milwaukee, ports above Sarnia -- those are undesignated
27 waters. If a pilot is required to travel to or from
28 a ship the pilot is reimbursed by the ship; then it
29 can be recovered from the ship. But this amounts to
30 no more than 10% of the overall travelling expenses and



1 English

2 living expenses.

3 Q. And on what basis do you reimburse
4 a pilot? Is it a set daily fee, or a set fee for
5 transportation, or is it paid upon receipt of proper
6 invoices?

7 A. Well, of course, what is termed
8 "travelling expenses" includes living expenses away
9 from home. They are required to submit receipts for
10 their hotel -- for lodging; they are required to
11 submit receipts for train fare, plane fare, bus fare.
12 For taxis, in excess of five dollars, or five dollars
13 and over, they must submit receipts for them. Taxis
14 of less than five dollars are accepted without receipts.
15 They simply state how much it costs them and we
16 accept that.

17 Q. Do you process these claims -- these
18 travelling claims -- yourself?

19 A. Yes; well, I process them -- that
20 is to say, I scan them and prepare them for processing.
21 I approve them. I try to have them in shape to go
22 on to Marine Services Account where they are finally

23 Q. Is that in Ottawa?

24 A. That is in Ottawa, yes.

25 Q. And how long does it take usually
26 from the time an account is submitted to you until the
27 date it is paid to the pilots? Do you have any idea?

28 A. If the account is in order when it
29 comes in, about a month or a little less.

30 Q. So would it be right to say that when



1 English

2 the pilot is away in his own area all his expenses
3 are paid -- living and travelling expenses are paid?

4 A. Yes.

5 Q. But the Crown is reimbursed by
6 the ship?

7 A. That is correct.

8 Q. Did you participate in the
9 recruitment of pilots for the District?

10 A. No.

11 Q. Never at any time since you have
12 been supervising pilots?

13 A. I sat in at a competition last
14 year, yes.

15 Q. Are you aware of the procedure
16 which was followed for the recruitment of pilots?

17 A. Yes.

18 Q. Would you look over these documents
19 and tell me whether they are those relating to the
20 recruitment of pilots and whether they are complete
21 or not?

22 A. Well, I am familiar with these
23 documents. I don't know what they had to do with
24 the recruitment of the pilots, but I do know this
25 particular document here, each pilot was given one
26 of these at the opening of the season in 1960. I
27 know they all had that.

28 Q. Just a moment, please. You refer
29 to these four pages only?

30 A. Yes.



1 English

2 MR. JACQUES: I should like to file
3 this as Exhibit No.?

4 THE SECRETARY: Figure 1011.

5 MR. JACQUES: It is entitled
6 Department of Transport, Information, Policies and
7 Regulations for Ships Pilots, Port Weller - Sarnia
8 area. It appears to be dated 8th February, 1961.

9 ---EXHIBIT NO. 1011: Document entitled Department of
10 Transport, Information, Policies
11 and Regulations for Ships Pilots,
12 Port Weller - Sarnia area, dated
13 8th February, 1961.

14 Q. Would this document have been
15 given the pilots before they were taken into service?

16 A. I don't think so. I don't know.

17 Q. You don't know?

18 A. No.

19 MR. JACQUES: My Lord, I have received
20 several documents this morning, and I would like to
21 read them over before filing them, and with my
22 learned friends' consent I would have the gentleman
23 representing the Civil Service Association to cross-
24 examine at the moment. I am advised he has to return
25 to Ottawa tomorrow morning because of some meeting in
26 North Bay and Churchill next week, and he would not
27 be available before the 6th of April.

28 THE CHAIRMAN: Have you any
29 objection, Mr. Lalonde?

30 MR. LALONDE: No, My Lord.

THE CHAIRMAN: That will be quite



1 English

2 all right.

3 MR. TOMBS: I have no questions.

4 MR. JACQUES: I was asked to point out
5 the difference in terminology. The pilots who are
6 on prevailing rates should not be called civil servants,
7 but they should be called public servants. Civil
8 servants are people coming under the Civil Service
9 Act.

10 COMMISSIONER SMITH: I would like to ask
11 the witness a couple of questions. Captain, it has
12 been brought to my notice, not through evidence
13 produced before this Commission but otherwise, that
14 70% of the tonnage moving through the Seaway system
15 consists of agricultural products and iron ore. I
16 was wondering if you had any general idea of the
17 proportion of iron ore as against the agricultural
18 products. I will tell you what I am trying to get
19 at, and this perhaps will enable you to give me some
20 kind of an answer.

21 It has been contended that within
22 a year or so the Steel Company of Canada and the
23 Dominion Foundry and Steel Company, I think, who now
24 get their ore, most of it, from the Messabi Range,
25 will be securing it from the fields of Quebec and
26 Labrador. I was wondering what effect that will have,
27 speaking now mainly about traffic through the Welland
28 Canal, what effect that would have in the lessening
29 of the amount of pilotage or the movement of ore ships
30 that now use the Canal which would not be using it when



1 English

2 this new policy is put into effect. Can you give us
3 any enlightenment on that?

4 THE WITNESS: Well, sir, I could
5 only give you an opinion.

6 COMMISSIONER SMITH: That is all I
7 am asking for.

8 THE WITNESS: The present traffic
9 in the Canal, there is a very considerable proportion
10 engaged in iron ore and coal trade to the steel plants
11 in Hamilton. However, I think that certainly
12 agricultural products still consist of the preponderance
13 of the tonnage.

14 I would say further that the coal
15 that is going to these plants still largely comes from
16 Lake Erie coal ports, and of course a good deal of
17 the ore from the east, that is from Seven Islands,
18 goes west to Hamilton.

19 Also the ore from foreign countries
20 which is used in mixtures of steels such as tungsten,
21 and the ore from North Africa, this usually goes to
22 ports west of the Welland Canal. No doubt it would
23 make some difference, but I do not think it would make
24 such a great difference as they profess to believe at
25 the present time.

26 COMMISSIONER SMITH: There have
27 been statements made that the twinning of the Welland
28 Canal -- and I understand they are working on it now --
29 might not be so essential in the future because of
30 this change in the movement of iron ore. However, that



English

1 is another question.

2 My Lord, there is another point
3 I wanted to raise, and it mainly has to do with the
4 Toronto harbour. I am wondering if perhaps it might
5 be better to wait until we get into Toronto to
6 develop that.

7 THE CHAIRMAN: It all depends on
8 whether it is a question that Captain Watson could
9 answer.

10 COMMISSIONER SMITH: Well, I thought
11 he might have some special knowledge about it. It is
12 about the control of pilotage in the Toronto harbour.
13 I understood that in 1960 they promulgated a policy
14 which was subsequently changed, and in the general
15 operation there, it seems to be quite unsatisfactory
16 to the Harbour Commission, and I think to some extent
17 shipping and pilotage as well.

18 I am wondering if you would have
19 any special knowledge about that policy that they made
20 effective in 1960, that they changed for some reason
21 that perhaps you would know about, and bringing it
22 up to the present time where it is unsatisfactory
23 all around. Would you have any special information
24 about that?

25 THE WITNESS: Well, sir, I really
26 don't know anything about their policy in 1960 because
27 we were not concerned with anything until it came into
28 our District.

29 The present policy which I am familiar
30 with, I understand that Toronto have some of their own



1 English

2 pilots, employees of the Harbour Commission, who
3 work in the harbour. We are concerned only with the
4 movement of ships that have no certificate of
5 exemption. If a ship is in Toronto harbour that
6 has no certificate of exemption, and wishes to make
7 a movement in the harbour, then we are required to
8 place a pilot on that ship. Sometimes we have to
9 send a pilot from Port Weller to Toronto to make
10 a harbour movement, and he comes back again, but the
11 harbour pilots that are in the harbour perform these
12 services for ships that have certificates of exemption.

13 I just know about it. We control
14 the pilots that have to do that work on the ships
15 that have no certificate of exemption.

16 COMMISSIONER SMITH: Those pilots
17 that you control, are they happy or satisfied with
18 their circumstances?

19 THE WITNESS: Well, I don't know
20 if I ever really saw a happy pilot.

21 COMMISSIONER SMITH: We will try
22 and find some.

23 THE WITNESS: I may say we have
24 six lake pilots and they were first brought into service
25 for two purposes: The prime purpose was, of course,
26 to relieve the pilots, the in-District pilots we will
27 say, the pilots who were designated for restricted
28 waters, to relieve them of the chore of going across
29 the lake, wasting their time, shall we say, going
30 across the open lake with a ship that had no certificate



1 English

2 of exemption; so it was decided that they would
3 appoint lake pilots. These lake pilots are also
4 future pilots, I understand, for District #1.

5 Of course these pilots performing
6 duties on the lake only, they felt they were not
7 receiving enough remuneration to exist on the bare
8 monies they received for going across the lake and
9 the time involved. So it was decided ~~that~~ they should
10 be paid for docking the ship additional to their
11 regular fee for taking the ship across the lake.

12 This then, of course, raised some
13 hackles in the Toronto and Hamilton harbour where
14 they had pilots there to do that sort of work.

15 COMMISSIONER SMITH: Thank you
16 very much, Captain.

17 BY MR. JACQUES:

18 Q. A question with regard to pay. I
19 understand that the pay is for so many months a year.
20 It runs from what date to what date?

21 A. Usually it runs from the 16th of
22 April until the termination of the season. That has
23 usually been the 30th day of November. This year
24 it was extended until the 5th day of December, but
25 the usual period is from the 16th of April until the
26 30th of November when then the pilots are off regular
27 pay, or shall we say except if they have an accumulation
28 of holidays which they worked and annual leave which
29 usually brings their pay up to around the 15th of the
30 month.



1 English

2 I think this year most pilots
3 were paid until around the 21st or 22nd of December.

4 Q. I understand that they also draw
5 unemployment insurance in the winter; is that correct?

6 A. Some pilots do and some pilots don't.

7 Q. What is the difference, why some do
8 and some don't?

9 A. Some through technicalities somehow
10 or another became ineligible. Some feel that they
11 receive enough money without assistance from the
12 government further.

13 Q. I understand also that there is
14 such a thing as a post pilotage fee and a pre pilotage
15 fee.

16 A. As I said, our season opens officially
17 usually on the 16th of April. This is governed by
18 the opening of the Lower Seaway. There are no
19 foreign ships can arrive up here before the Lower
20 Seaway opens so we don't officially open our books
21 until the 16th of April, 15th of April.

22 Likewise, it usually has been the
23 practice that the foreign ships are out of the Canal
24 by the end of November because usually they have to
25 be out of the Seaway by the end of November, so we
26 terminate our books then for pilotage purposes.

27 There are always a few domestic
28 ships which are trading in the vicinity of Toronto,
29 Hamilton, Great Lakes in general above the Lower Seaway.
30 These are domestic ships with foreign registry. So we



1 English

2 have let the pilots take care of these ships, these
3 pilots who are interested in remaining around the
4 station. Some live there and some don't, but if they
5 are interested in staying there, then they may take
6 their turn on these ships.

7 They pay their own expenses; they
8 are free lance. All we do is bill the shipping company
9 for them and we remit the money to the pilots.

10 Q. Is the request for pilots in such
11 cases made to your office by the ship or agent?

12 A. Yes.

13 Q. And you still do the dispatching?

14 A. That is right.

15 Q. In that period of time?

16 A. We have our dispatcher there because
17 the Canal is open and we are still doing marine
18 reporting.

19 MR. JACQUES: I see. Thank you,
20 sir.

21 COMMISSIONER SMITH: My Lord, I
22 would like to refer back for a moment to the Toronto
23 harbour operation. I am reading in a brief:

24 "In 1960 a system of harbour control was
25 put into effect whereby strict radio
26 control was maintained over ships' move-
27 ments in the port area. After four years
28 the Commissioners have withdrawn this
29 service. A method of radio communication
30



1 English

2 by the harbour police, for emergency,
3 safety, and operational requirements
4 only, will take its place."

5 That is the present status of the harbour
6 control operation in the port of Toronto today as
7 I understand it, reading from this brief.

8 THE WITNESS: I have not been
9 informed of that, sir. I don't know anything about
10 it.

11 COMMISSIONER SMITH: I am reading
12 from a brief which was submitted to this Commission
13 today by the Toronto Harbour Commissioners. Thank
14 you.

15 THE CHAIRMAN: Any further
16 questions, Mr. Jacques? We will take a short
17 recess of ten minutes. In ten minutes time everybody
18 will be back here.

19 ---RECESS.
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English

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CROSS-EXAMINATION BY MR. LALONDE:

Q. Captain Watson, you stated that before becoming a supervisor of pilots in this District you had long experience aboard lake ships and also in the Navy. You stated, I believe, that you were actually a master on board one ship in particular for several years?

A. That is right.

Q. During the war I understand you had several men under your direction, did you not?

A. Yes.

Q. You said that you were responsible for a group also during the war. What was that?

A. An escort group, a group of five ships.

Q. One could say therefore that you occupied positions of responsibility for several years. Would that be a fair way of putting it?

A. I would say so.

Q. When you were in the Navy I presume you were more or less on your own as far as the direction of your group is concerned, for instance, once you were at sea; would that be correct?

A. Well, within limits of direction, of course.

Q. Yes, and once you were master aboard the lake ships did you receive constant directions from the shore or from your company, or were you left strictly responsible for the operation of the ship itself?



1 English

2 A. I was pretty well left to my own
3 devices, beyond doing what I was told.

4 Q. Yes. Since you have been a supervisor
5 in this particular District have you found that you
6 have been granted a greater degree of local responsibility
7 than the level of responsibility you were having once
8 you were the master on board a ship or responsible for
9 a group in the Navy?

10 A. It seems to be quite a bit the same.

11 Q. What are these decisions which you find
12 yourself in a position to take locally here in the
13 operation of your functions, the fulfilment of your
14 functions?

15 A. Well, within the limits of course, of
16 overall direction and policy, how I abide by or apply
17 the regulations is up to me. When an instance might
18 arise which would require an immediate decision, of
19 course I would have to make that. It may be subject
20 to correction at a later date by a higher authority.
21 But by and large if I recommend something as I see it
22 in a District and present it to my superiors lucidly
23 they will concur, unless there is some matter of policy
24 which precludes this.

25 Q. What are the decisions which you are
26 not required to pass along to your superiors with a
27 recommendation here?

28 A. Decisions having to do with the
29 immediate operations. I mean, I do not ask the
30



1 English

2 Superintendent of Pilotage whether I should put on a
3 harbour pilot. I do not ask him whether I should
4 continue or discontinue to try to carry out the policy
5 which they tell me I should try to do -- how I operate the
6 system of leaves and whether I think that a pilot
7 should be unavailable or not.

8 Q. Have you ever imposed disciplinary
9 powers locally without having first got instructions
10 from your superiors in Ottawa?

11 A. Well, I don't just know how far you want
12 me to go back in that matter. If it is a simple
13 matter of saying: "These are the rules and you have
14 broken these rules," then I of course would impose
15 discipline.

16 Q. My question is, have you ever imposed
17 a fine or a suspension on a pilot without having first
18 referred to Ottawa to get instructions upon the
19 recommendation which you might have made?

20 A. I never have done that. Whether I had
21 to or not, I would not like to say, but I never have
22 done anything.

23 Q. Have you ever established rules in
24 this District -- dispatching rules or rules of that
25 sort -- without getting these rules approved first by
26 Ottawa?

27 A. Yes.

28 Q. What rules are these?

29 A. Nearly all the rules that we have been
30 operating by.



1 English

2 Q. While we are on these rules you said
3 that you corrected a statement after lunch which you
4 had made in the morning about dispatching rules.
5 Do you have with you copies of these various dispatching
6 rules which were in effect since 1961?

7 A. No, I do not.

8 Many of these rules were in the nature
9 of a bulletin put on the bulletin board -- general
10 instructions.

11 MR. JACQUES: As regards disciplinary
12 matters I draw the attention of the Commission to
13 Section 8 of the Great Lakes Pilotage Regulations,
14 Exhibit 1008, which vests in the Minister alone the power
15 to take disciplinary measures.

16 MR. LALONDE: Q. When you have received
17 instructions about imposing disciplinary measures, from
18 whom did you receive these instructions?

19 A. Usually the director.

20 Q. Who is that?

21 A. Mr. Alan Cumyn.

22 Q. Director of Marine Regulations?

23 A. Yes.

24 Q. You say usually the rules took the form
25 of instructions put on the bulletin board in the
26 pilotage office?

27 A. Yes, in the pilotage office at Port
28 Weller. Sometimes they were in the dispatching office
29 at Port Huron if they pertained to that -- or Sarnia,
30 I should say.



1 English

2 Q. Were they circulated to the pilots
3 individually? Did you mail copies of these instructions
4 to the pilots?

5 A. No.

6 Q. Do you remember having set up dispatching
7 rules in a different way than mere sheets on the
8 bulletin board however previous to now, because it
9 seems that even now you do not have any such dispatching
10 rules?

11 A. Well, we had rules which were there for
12 guidance and each and every pilot was given a copy of
13 some rules which were -- let us say I submitted rules and
14 regulations to the Department for them to assess and
15 revise. These were returned to our office -- they are
16 in booklet form -- and we did distribute those to the
17 pilots.

18 They formed the nucleus of the regulations
19 under which we operate and have operated for some time.

20 However, as I said previously, these rules
21 were promulgated at a time when the situation was still
22 fluid, still changing, and we really did not abide by
23 all of them because they did not apply to each party.
24 We had at that time American and Canadian pilots and
25 of course certain regulations could not be applied to
26 American pilots.

27 Q. I must say I have some difficulty in
28 understanding this practice that you say you had rules
29 promulgated by Ottawa which served as guide lines or
30 guides to the dispatchers but at the same time they were



1 English

2 not followed or were not applicable because the situation
3 had changed. Is that a correct interpretation?

4 A. The situation was in a state of change,
5 a condition of changing all the time. Some of these
6 changes I knew were in the making, but the main
7 procedures for dispatching of pilots was contained in
8 those rules and all pilots had a copy of those rules.

9 Q. But as far as the dispatches were
10 concerned, they had to apply some discretion in the
11 application of these rules, did they not?

12 A. Well, they had those rules as well
13 as admonitions from me from time to time clarifying,
14 reiterating the necessity of ---

15 Q. I am showing you a document entitled
16 Operating and Dispatching Instructions Great Lakes
17 Pilotage District No. 2, compiled by the pilotage
18 section of the Department of Transport, Ottawa, March
19 15th, 1962. Is this the document you were referring
20 to when you stated a document was distributed to all
21 pilots?

22 A. Yes; this document was distributed to
23 all pilots.

24 Q. I see. This document was prepared
25 in Ottawa?

26 A. Yes, this was prepared in Ottawa.
27 I should state, of course, that I had submitted a
28 considerable volume of paper and this is it boiled
29 down with some refinements.

30 Q. So this is exactly what you had sent to



English

Ottawa?

A. No.

Q Were you consulted between the time the document you had prepared was sent to Ottawa and this came back?

A. I was in Ottawa for a period of time about two weeks during the course of that winter and one of the officials in the Department -- in fact the Assistant Superintendent of Pilots -- sat in from time to time. One of the other officers went over my rules and deleted and possibly corrected, but this is the product that came out.

Q. This was done with you while you were in Ottawa?

A. Not all of it, no. It is not the same as I wrote it.

Q. I see. Will you have a copy of this document in your files, Captain Watson?

A. Yes, I have. I do not have it with me, no, but I have lots of them.

Q. Would you mind bringing a copy of this tomorrow morning and producing it as Exhibit 1012?

MR. BRISSET: Captain Watson, if you have an additional spare copy, I would be interested in getting one too.

MR. LALONDE: It is entitled "Operating and Dispatching Instructions Great Lakes Pilotage District No. 2."



English

--- EXHIBIT 1012: Operating and Dispatching
 Instructions Great Lakes
 Pilotage District No. 2.

Q. When these rules were prepared by
yourself -- let us call this a first draft -- were
there any formal consultations with pilots locally
about this first draft you prepared?

A. Formal consultations?

Q. Yes.

A. No, I would not say there were formal
consultations, but there was some consultation.

Q. What do you mean by this?

A. Well, I did not call a meeting to discuss
pilotage regulations.

Q. Yes? What did you call then?

A. Well, I was in attendance -- or let us
say I was a guest or something like that at one of the
pilots' meetings and I brought to their attention some
of the -- or in fact the rough draft of what I proposed
to regulate.

Q. Was this not a meeting some time in
January, 1962, the early part of the year?

A. I thought probably it may be was
December 1961.

Q. Yes, well, maybe it is December, 1961,
then. Was this a meeting of the Corporation of
Professional Great Lakes Pilots?

A. I really do not know what they were
at that time.



1 English

2 Q. Was this meeting chaired by Captain
3 Stevenson?

4 A. This was not at a meeting. This was
5 in a hotel room -- let us put it that way.

6 Q. Was this a meeting of pilots or two
7 pilots or fifteen; what was it?

8 A. This was, I think, the officers of
9 an organization. I also believe that I discussed
10 these rules with the president of another organization.

11 Q. Were they given copies of these rules
12 at the time, or that draft at the time?

13 A. Not that I recall. I do not think
14 they were gelled to that extent.

15 Q. I see. While you were in Ottawa do you
16 know whether Department officials in Ottawa held
17 consultations with local pilots as to what the
18 dispatching rules should be?

19 A. The Department officials in Ottawa
20 met the representatives of these organizations ---

21 Q. My question is quite straightforward.
22 It is a Yes or No. Do you know of your own knowledge
23 whether any consultations took place with the pilots
24 about these dispatching rules in 1962?

25 A. I do not know.

26 Q. You do not know. If I understand
27 you well, these rules were once in a while elaborated
28 upon by you by way of instructions and put on the
29 bulletin sheet, the bulletin board?

30 A. Yes.



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English

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2 Q. Did these rules apply to the American
3 Pilots also?

4 A. Some do and some do not.
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1 Q. Were the American pilots provided with
2 copies of these rules?

3 A. I believe they were provided with a copy
4 of this particular rule.

5 Q. That is Exhibit 1012 which I have produced?

6 A. Yes.

7 Q. You said "I believe." You are not
8 sure?

9 A. They were, yes.

10 Q. You also referred this morning to
11 another draft which was in preparation on the new rules
12 upon which you were working -- I think you called them
13 joint rules?

14 A. That is correct.

15 Q. You said that these rules were not
16 effective as yet -- or are they?

17 A. No, not as yet; they haven't been
18 promulgated; they haven't been quite gelled.

19 There is little or nothing in the rules that
20 hasn't been in force or hasn't been practiced over the
21 last two or three years.

22 Q. You used the word "promulgated."
23 Who was going to promulgate these rules?

24 A. They will be promulgated jointly by
25 the Great Lakes Pilotage Administration and the
26 Department of Transport.

27 Q. Have you sent the draft to Ottawa?

28 A. I have.

29 Q. When did you send that draft?

30 A. The middle of January.



English

1 Q. In the middle of January? Have you
2 heard as yet as to whether Ottawa had approved or was
3 to approve of them, or have you had any correspondence
4 in connection with these proposed rules since January?

5 A. I have had no correspondence, as I
6 recall. However, I have been advised to proceed
7 along the lines which we are doing, and that they
8 preferred that these rules be drawn up at local levels.

9 Q. They have been drawn up at the local
10 level, you say?

11 A. Well, earlier I submitted them, of
12 course, to Ottawa for approval.

13 Q. Yes.

14 A. I also stated that I felt that since
15 the American counterparts of these previous regulations
16 which had been drawn up jointly were signed by the
17 administrator of the Great Lakes Pilotage Administration
18 in Washington I expressed the opinion that probably
19 someone of higher rank than I should sign these on
20 behalf of the Canadians; and the superintendent told
21 me that he didn't think that was necessary.

22 Q. Was this only told to you, or did you
23 receive a letter?

24 A. This was told to me. I didn't have a
25 letter to that effect.

26 Q. And is it fair to conclude, then, that,
27 in fact, there would never be any promulgation --
28 that these rules, for all practical purposes, have
29 been approved by now?
30



1 English

2 A. Well, we have a joint meeting coming up
3 with the United States authorities in the near future
4 for the purpose of finally coming to agreement on them.
5 We have had correspondence with the United States
6 authorities.

7 Q. Then, if I understand you well Ottawa
8 has told you that so far as they are concerned they
9 have nothing to say about it, and they didn't feel they
10 needed to do anything about it?

11 A. That is the impression that I have,
12 yes.

13 Q. I show you a document entitled "Joint
14 (Interpool) Working Rules. Great Lake Pilot Districts
15 Nos. 2 and 3," dated October 25, 1963. Would you
16 take notice of that document and tell me whether this
17 is the document you were referring to previously?

18 A. No, this is not.

19 Q. Would you explain to the Commission
20 what this document is?

21 A. This document here -- "Joint (Interpool)
22 Working Rules -- Great Lakes Pilot District Nos. 2
23 and 3" -- this pertains to regulations concerning
24 joint operations when a No.2 pilot and a number 3
25 pilot are working together, shall we say, when a No.
26 3 District pilot comes down to Port Huron -- what he
27 will do; and these are the rules covering that operation.

28 Q. Do you have spare copies of this
29 document also in your office?
30



1 English

2 A. I might have one or two.

3 Incidentally, each pilot was given a copy
4 of this; likewise, there is one covering joint
5 operations in District No. 1 and in District No. 2.
6 Likewise, each pilot has a copy of this.

7 The rules we were discussing a few minutes
8 ago concern only District No. 2.

9 Q. Then, we will come back to this document
10 which could be filed as Exhibit 1013.

11 My Lord, the witness has referred to another
12 arrangement for Districts Nos. 1 and 2. I don't
13 know if you would like to have that particular document?

14 THE CHAIRMAN: We would like to have
15 that particular document.

16 MR. LALONDE: It could have the same
17 number.

18 THE CHAIRMAN: Yes, it will have the same
19 number.

20 --- EXHIBIT 1013: Copy of document entitled
21 "Joint (Interpool) Working
22 Great Lakes Pilotage Districts
23 Nos. 2 and 3," and
24 "Joint (Interpool) Working
Rules -- Great Lakes Pilotage
Districts Nos. 1 and 2."

25 MR. LALONDE: Q. We were talking about
26 the proposed dispatching rules which you have sent to
27 Ottawa. Whom did you consult on the American side
28 in preparation of these rules?

29 A. My consultation was with Mr. Butts
30 who is the Compliance Officer of Great Lakes.



English

Q. Did you have any consultation with the President of the American Lake Pilots Association?

A. I have not had any consultation with him up to the present.

Q. So all your consultations were with Mr. Butts on the American side?

A. That is correct.

Q. Do you know of your own knowledge whether he had consultation with the American pilots about these rules?

A. Yes.

Q. You know that?

A. Yes, I know that.

Q. Do you know if these consultations took place with the American Pilots Association -- the officers of that Association?

A. I believe they have a rules committee, and his consultations would take place with the rules committee; and, I presume, with the President, too, if he is not a members of the rules committee.

Q. Is there any particular reason why you have not held any similar consultations with officers of the local associations in District No. 2?

A. I think the position is different in this respect that the United States pilots are self-employed and the Canadian pilots are employees. To say that there has been no consultation -- there has been no formal consultation, but we have stated previously, I believe, that a great many of these rules



English

are influenced by the opinions expressed to me of the various pilots and pilot associations.

Q Yes; but I am wanting to be quite specific on this. I understand you have not held any consultation with the officers of the local associations as officers representing pilots locally; is that correct?

A. That is correct, yes.

Q. So by the answer you have given me I gather that the reason why you would not have done so is because you feel that the pilots here are employees; is that the reason?

A. I believe that is correct, yes.

Q. That is the reason why you haven't had any formal consultations with the officers of the pilots here?

A. That is correct.

Q. And you feel that the way you have proceeded gives you enough information as to the feelings or the views of the pilots locally as to how dispatching should take place?

A. Yes; I get plenty of information on how it should take place and how it shouldn't take place; but I think I get the general gist of what is required by the Department and its obligations and also of what the pilots think.

Q. You see, I want to be fair to you. I want to try and see why you are doing this, because in industrial relations this is an answer which I



1 English

2 sometimes get from employers or entrepreneurs as to
3 the reason why they would not consult the local trade
4 union but rather consult this and that fellow; and
5 they did so and seemed to think that they had a pretty
6 good idea of what the feelings of the workers were
7 and that they would not consult the proper officials
8 of the union. I was wondering if the same situation
9 was in your mind?

10 A. This is what I have in mind; and I also
11 think that probably this is proper. Maybe I am
12 mistaken, but this is what I feel is proper.

13 Q. Have you ever received instruction
14 from Ottawa -- from officials in Ottawa -- as to the
15 procedure or the method you should use in dealing with
16 the pilots, taking your attitude in this particular
17 instance as an example?

18 A. That is a difficult question to answer.
19 I just can't think of any specific instructions beyond
20 trying to do what I could to get along without
21 abandoning the ship. They have never told me anything
22 -- how I should treat pilots, or how I should regard
23 pilots, one as opposed to another. They have, of course,
24 tried to assist me to be completely advised and be fair
25 and to try to abide by the rules.

26 Q. Again coming to the document which has
27 been filed as Exhibit 1013 -- that is, the Joint
28 Interpool Working Rules, Great Lakes Pilotage Districts
29 Nos. 2 and 3 -- I notice that this document bears
30 the following mentions on the first page -- "Approved,"



1 English

2 and then you have the name signed "John Watson."

3 That is you?

4 A. That is right.

5 Q. You remember having signed this
6 document?

7 A. Yes.

8 Q. And then "B.P. Ostrander, President,
9 Lake Pilots Association." I suppose this is the
10 President of the American Pilot Association?

11 A. Yes.

12 Q. Then "R.F. Rico, Chairman, Rules
13 Committee, Lake Superior Pilot Association"?

14 A. Yes.

15 Q. This is another American pilot?

16 A. Yes.

17 Q. And then "A.T. Meschter, Administrator,
18 Great Lakes Pilotage Administration, United States
19 Department of Commerce."

20 This document bears the signature of one
21 American officer and two American pilots. Is there
22 any particular reason why no Canadian pilot sat on
23 the negotiation of these rules and was a signatory of
24 these rules?

25 A. Any reason?

26 Q. Yes?

27 A. Well, again, the same reason as
28 previously. There is no Canadian pilot has any
29 authority to sign for the entire pilot group in
30 District No. 2.



1 English

2 Q. I see. Could you not, however, have
3 got the cooperation of two or three pilots who would
4 have had authority to sign for everybody, or to
5 represent everybody?

6 A. I am not sure that two or three would
7 represent everybody.

8 But I think that the point, again, is that
9 they are, again, employees of the Department of
10 Transport.

11 Q. What you meant was not a question
12 of whether they could be representing or not. It
13 was the fact that they had no authority to sign?

14 A. Yes.

15 Q. The only person with the authority to
16 do that would be you?

17 A. Yes.

18 Q. And I understand you didn't feel there
19 was any usefulness in having pilots, or a pilot,
20 participating with you in the establishment of these
21 working rules?

22 A. Not as such. Again I may state that
23 the Canadian pilots -- various pilots -- have apprized
24 me of situations that occur in these Districts.

25 Q. When the negotiations took place about
26 these rules were any of the American pilots present?

27

28

29

30



1 English

2 A. Eventually -- they must take
3 seamen if they approved them.

4 Q. You didn't have a meeting?

5 A. I didn't have any meeting with
6 the American pilots as such.

7 Q. Did you have a meeting with Mr.
8 Meschter?

9 A. I had a meeting with Mr. Butts.

10 Q. On these rules?

11 A. Yes. No doubt these came under
12 discussion from time to time informally.

13 Q. You said you had representations
14 of individual pilots occasionally. Before signing
15 these rules did you ever show them to some pilots
16 to have their comments?

17 A. No.

18 MR. JACQUES: Perhaps I could help here.
19 According to American regulations concerning the
20 establishment of pools by voluntary Associations of
21 United States registered pilots, these authorized
22 pools have, among other duties, the duty to submit
23 working rules for approval to the administration. So
24 under American procedure the pool itself would prepare
25 rules, submit them for approval to the administrator
26 of the Great Lakes Pilotage, and they would then
27 become effective.

28 Apparently there is nowhere in our
29 regulations requirements that rules, working rules,
30 be worked out by the employees of the Crown.



1 English

2 BY MR. LALONDE:

3 Q. I know for a fact that this
4 procedure is indeed followed by the American pilots
5 on the Great Lakes. To go to another subject, I want
6 to refer to your Exhibit 1009, Relief Pilots, Lock 7,
7 Welland Canal. Out of a total of 1,231 reliefs
8 required, 96 were refused for lack of pilots.

9 You stopped on the 26th of November,
10 and you gave a reason why you stopped there. Did you
11 carry this calculation later on in the year, particular-
12 ly for November?

13 A. No, I didn't.

14 Q. Isn't it a fact that November is
15 one of the peak months in the District for pilotage?

16 A. Yes, it is one of the peak months
17 as a rule.

18 Q. And would it not be a fact that
19 you would have more than a usual number of cases where
20 you would not have been able to provide reliefs during
21 the month of November last year?

22 A. Yes, that would appear to be the
23 case, that November was busy, and that situation would
24 prevail from the dates that I indicated there.

25 Q. Would it not be a fact that for
26 all practical purposes the rule of the change at
27 Lock 7 was abandoned during last November?

28 A. That is correct, yes.

29 Q. You are consulting a document. Would
30 you have in that document all the cases where no reliefs



1 English

2 took place during the month of November?

3 A. Well, this is simply a dispatch
4 book, and I was looking to see where reliefs were
5 effected. I don't find any so I assume there were
6 none given. This is marked in the dispatch book when
7 a pilot is dispatched to relieve another pilot, and
8 I don't see any marked here.

9 Q. Would this mean in effect that for
10 all ships in November in the District there was no
11 relief at Lock 9?

12 A. At Lock 7.

13 Q. At Lock 7, I'm sorry.

14 A. Yes, that would be correct.

15 Q. How many ships approximately crossed
16 the District with pilots on board during the month
17 of November? After October 26th, let us say, to the
18 end of the season.

19 A. I don't have the monthly numbers
20 of dispatches accumulated, but it was certainly a
21 busy month. I might say this year the Fall rush
22 did not really get started until almost the end of
23 October, and we had unprecedented traffic during
24 the month of November.

25 Q. Yes. Do you have any idea of the
26 number of instances, the number of cases of ships
27 proceeding through the Canal during the month of
28 November?

29 A. No, I don't have that figure with
30 me.



1 English

2 Q. In effect the percentage of 10%
3 which you gave previously in your testimony would
4 apply only for the period from April 16 to October
5 26?

6 A. That is what the document states,
7 yes. I was asked this question by the Department
8 at that time, so I answered at that time.

9 Q. You were giving evidence this
10 morning about last year, and I want the whole thing
11 to be clarified fully as to what the practice was
12 last year as to reliefs. The percentage which you
13 gave this morning would not be a fair reflection of
14 the situation for the whole year?

15 A. No, it would not. That is quite
16 true.

17 Q. I notice that by looking at Exhibit
18 1013 you signed as Supervising Pilots. Do you hold
19 any licence for this particular District?

20 A. At the present time, no. At the
21 time I was appointed to this position or job, this
22 was part of the requirements, and that was the way
23 I was designated. That was the name I was given. I
24 don't do any piloting now. Frankly, I don't care what
25 they call me as long as it is not early for breakfast.

26 Q. You said you had a licence before
27 1960 which was valid in 1960?

28 A. In 1960, yes.

29 Q. Did you have a licence for the
30 District of Port Weller, Sarnia?



1 English

2 A. That is correct.

3 Q. Did you do any actual piloting?

4 A. Yes, I did a little bit.

5 Q. Were you among the sailing Masters
6 of the time or as a pilot between --

7 A. Did you say prior to 1960?

8 Q. Yes, before you were appointed?

9 A. No, I am mistaken. I thought you
10 said 1960. I didn't. I didn't know there were
11 licensed pilots prior to that time. I had a certificate,
12 that was all.

13 Q. So if I understand you well, you
14 applied for the job of Supervising Pilot here, and
15 at the same time you were granted a licence to pilot
16 in the area; is that it?

17 A. Well, I guess that is what it was.
18 That is the same as all the other pilots had. Yes,
19 I have a licence here, Great Lakes and connecting
20 waters. I still have it.

21 Q. May I look at this document?

22 A. These are now out of date of course,
23 but it is still in my wallet there catching flies.

24 Q. You were not issued with any
25 licence or other certificate when the situation
26 changed later on?

27 A. I was, and then it was withdrawn,
28 so I don't have one. A couple of spare pictures.

29 Q. This title of Supervising Pilot
30 was it given by the Department when you applied? Was it



1 English

2 when you applied?

3 A. I don't recall what the competition
4 title was there, but this was the title that was
5 given to me when I was interviewed or took the job.

6 Q. Do you know --

7 A. The idea was I was to do some
8 piloting.

9 Q. Do you know of any other District
10 in Canada where the supervisor or superintendent
11 is called Supervising Pilot?

12 A. No, I think this is unique.

13 THE CHAIRMAN: Before going too far
14 from Exhibit 1009, may I have it, please? I see
15 that there is a large number of cases where reliefs
16 were refused, say, in October. Is there any particular
17 reason for that month, in 1963?

18 THE WITNESS: Well, usually the fall months
19 are the busiest on the Great Lakes. This is coupled
20 with the fact that this is the time of year we have
21 our worst weather, and our pilots are consequently
22 delayed on ships.

23 The normal flow of ships and the
24 normal flow of pilots is interfered with then, and
25 therefore that is the time that we are usually short
26 of pilots when we are short.

27 THE CHAIRMAN: I was wondering whether
28 the longshoremen's strike in Montreal, which happened
29 about that time, would have had any result.

30 THE WITNESS: Well, that did have an effect.



1 English

2 There were several circumstances which accumulated:
3 the longshoremen's strike in Montreal, which held up
4 shipping for a considerable period, and it was suddenly
5 released. Coupled with some bad weather which delayed
6 ships that were in the District that should have been
7 out. Consequently all the ships wanted to move and
8 we just didn't have enough bodies to go around.

9 THE CHAIRMAN: I do not have the
10 exact date here, but I think the longshoremen's strike
11 ended about some time the third week of October, around
12 there. I just made a quick calculation, and I find out
13 if you do not count the October cases, the percentage
14 would be 4.4 from April to October, exclusive of
15 October, and including October it would be 7.8. That
16 is a quick calculation I made.

17 BY MR. LALONDE:

18 Q. Now, you stated this morning
19 that the operation in the District was a self-sustaining
20 one as far as the Canadian pilots were concerned;
21 that the pilotage would pay for the pilots' salaries,
22 dispatchers and the Supervising Pilot's salary and all
23 the other expenses related thereto. What are you
24 basing yourself upon for such a statement?

25 A. You mean the financial figures?

26 Q. Well, I presume you must have some
27 since you say it is at no cost to the taxpayer, and
28 you said it was self-sustaining this morning.

29 A. I believe this is public, common
30 knowledge.



1 English

2 Q. But as far as you are concerned,
3 you have no idea as to the situation exactly financially
4 speaking?

5 A. No, I don't know where the money
6 goes.

7 Q. We might try and approach it another
8 way. Do you know where the money comes from?

9 A. Yes, I know where the money comes
10 from.

11 Q. Do you have available in your
12 office the total tariff dues, the total pilotage dues
13 which are collected for pilotage accomplished by
14 Canadian pilots during the last four or five years?

15 MR. JACQUES: I think I had that
16 for the last two years. The documents were received
17 this morning. I have not checked them yet, but if my
18 friend would leave this subject I would look up the
19 documents tonight, and tomorrow file them.

20 MR. LALONDE: I will not leave the
21 subject, My Lord, unless you direct me to leave it.

22 THE CHAIRMAN: Would you be inter-
23 ested in two years or more before it joined the
24 corporation or since, because the pattern has changed.

25 MR. LALONDE: Yes, it is true the
26 pattern has changed, My Lord. However, I think in all
27 other Districts we had a report sent by the local
28 Supervisor to the Pilotage Authority in Ottawa. An
29 annual report. I think we had these for four or five
30 years. I was wondering whether such a report exists in



1 English

2 this District; in such a case we would have the
3 figures there. If you remember well, the report
4 stated how much was earned in pilotage dues in the
5 District.

6 MR. JACQUES: I certainly have
7 not got it for five years.

8 BY MR. LALONDE:

9 Q. I am asking the witness whether
10 he has made --

11 A. We do make an annual statement. We
12 make a monthly statement, and of course it is cumulative
13 so we finally have an annual statement for three years
14 only. The first year in the District in 1960 when
15 I was here, we did the billing but we did not do any
16 collecting.

17 Q. Who was doing the collecting in
18 1960?

19 A. It was collected by Treasury or
20 somebody up there.

21 Q. It was collected from Ottawa?

22 A. That is right.

23 Q. You would have no records yourself
24 as to how much was collected in pilotage dues that
25 year?

26 A. No.

27 Q. For 1961 and after you would have
28 that information?

29 A. That is correct.

30 Q. You would have it for work



1 English

2 accomplished by Canadian pilots as separate from work
3 accomplished by American pilots?

4 A. We have it both ways.

5 Q. Could you bring tomorrow the
6 information for the last three years as to the amounts
7 obtained from pilotage dues through work of the
8 Canadian pilots in the District?

9 A. You just want the Canadians or do
10 you want the financial statement?

11 Q. All the information which you have
12 available in this respect, the full financial state-
13 ment; but I would like to have them separated or
14 identified as to how much was earned in pilotage dues
15 by Canadian pilotage ---

16 THE CHAIRMAN: I think it should be
17 by both because the both are sharing the cost, are
18 they not?

19 MR. JACQUES: If my learned friend
20 would wait ten minutes there will be an adjournment
21 and after the adjournment we should be able to look
22 at the figures we have and then supply them to the
23 Commission.

24 THE CHAIRMAN: The American pilots
25 are paying part of the expenses they are sharing,
26 so I think their income also would be needed.

27 MR. LALONDE: If we have the
28 Canadian pilots' we would automatically have the
29 American pilots' because we would only have to subtract
30



1 English

2 from the total financial statement.

3 MR. JACQUES: I have such documents
4 as Inter Association Settlement and documents of
5 Port Weller Pilotage Authority ---

6 MR. LALONDE: My friend will have
7 plenty of time to look at that. It is just that I
8 think it is quite all right that I put at least today
9 what I want so tomorrow I hope to have it and not
10 be answered tomorrow, "Come back the next day."

11 Q. Would you also have in your record
12 the cost of administration locally?

13 A. That would be in the financial
14 statement.

15 Q. Okay; would you bring that too,
16 please?

17 This morning you referred to the
18 case of a pilot who had moored a ship in the Canal
19 because he was too tired. In this particular case did
20 you check whether the pilot concerned had asked
21 permission from the Canal Authority to moor the ship?

22 THE CHAIRMAN: You are referring
23 there to the first incident in 1963?

24 MR. LALONDE: I am sorry, My Lord;
25 it is the second case in 1962, the pilot who had been
26 piloting 16 hours.

27 THE WITNESS: Could you repeat your
28 question, please?

29 Q. Did you check whether this particular
30 pilot had received permission from the Canal Authority



1 English

2 to moor the ship?

3 A. No, I did not check.

4 Q. Did you check whether the Master
5 of the ship was in agreement with the pilot that he
6 should moor the ship at that particular time in view
7 of the condition of the pilot?

8 A. I never saw the ship.

9 Q. I see. Have you ever received any
10 report from the Master of the ship to the effect that
11 he did not agree to the attitude adopted by the pilot?

12 A. No.

13 Q. Did you receive any complaint from
14 the agent of that ship?

15 A. No.

16 Q. As far as the circulation of ships
17 in the Canal goes, I understand that this comes under
18 the direction of the Seaway authorities and not the
19 dispatchers at the pilotage station; is that correct?

20 A. That is correct.

21 Q. And if a pilot for some reason
22 felt that the ship should be moored, the people he
23 should be asking that from would be the Seaway authori-
24 ties; is that correct?

25 A. By and large that is correct, yes.

26 Q. In the particular case you referred
27 to you stated that the pilots had asked on two
28 or three occasions for relief but they were told there
29 was none available; is that correct?

30 A. That is correct.



1 English

2 Q. Were you in the pilotage office
3 on that particular day?

4 A. No.

5 Q. What you stated was reported to
6 you by dispatchers?

7 A. That is correct, yes.

8 Q. You were referring today to some
9 correspondence you said in this respect as the only
10 thing you would have on file in regard to that
11 particular case; is that correct?

12 A. That is all that I have been able
13 to find at the moment, yes.

14 MR. LALONDE: My Lord, I wonder
15 whether I should ask for the tabling of this corres-
16 pondence? I would like to have it made available.
17 I know that there were files of accident cases
18 already made available to Counsel but not produced
19 as Exhibits.

20 MR. JACQUES: Which files?

21 MR. LALONDE: What I am referring
22 to now?

23 MR. JACQUES: Yes.

24 MR. LALONDE: I am referring to the
25 correspondence which the witness has been referring to
26 this morning.

27 MR. JACQUES: There again he has
28 all documents which were brought here this morning
29 and which nobody had a chance to read yet.

30 THE CHAIRMAN: You will look them



1 English

2 up after the adjournment.

3 MR. LALONDE: Q. Has this
4 correspondence been provided to the Commission
5 counsel that you are referring to?

6 A. Not by me. I have it here in a
7 folder.

8 MR. LALONDE: Unless my friend tells
9 me he has it already ---

10 MR. JACQUES: I have not got these
11 documents. Complete copies of the -- well, what I
12 take to be a complete set of letters and documents
13 exchanged in this matter has been prepared by the
14 Department, but I have not had a chance to read these
15 documents yet.

16 MR. LALONDE: Q. Would you mind
17 making these letters available to Commission counsel
18 so he can compare with the Department's files as to
19 whether this is complete? I suppose this is the best
20 way of doing it.

21 THE CHAIRMAN: Yes. You can get
22 together with Captain Watson and Mr. Jacques at
23 recess time -- and Mr. Brisset too, if he wants to
24 have a look.

25 MR. LALONDE: Q. As you are aware,
26 Captain Watson, there are at least two associations
27 of pilots in the District and I have been told that
28 sometimes there were more than that in the past?

29 THE CHAIRMAN: Of Canadian pilots?

30 MR. LALONDE: Of Canadian pilots, yes.



1 English

2 Q. Has there ever been any corres-
3 pondence exchanged between yourself and other pilots
4 or departmental officials as to the organization of
5 associations of pilots or corporations of pilots?

6 A. I have had advice that a certain
7 corporation would be meeting in Ottawa at a certain
8 time and I have had copies of the agenda of their
9 meetings and so on, but are you referring to something
10 other than that?

11 Q. Yes. Did you get any verbal or
12 written instructions from Ottawa with regard to these
13 associations or corporations?

14 A. Nothing beyond what I have stated
15 there, that they are having a meeting and I would
16 be obliged to attend, or something like that, and
17 these will be the questions that will be asked.

18 Q. Thank you. I understand that the
19 lake pilots of Lake Ontario come under your jurisdiction
20 at least for part of their duties. I have been told
21 that these pilots were considered as having two bases
22 of operation in the sense that they could not claim
23 expenses if they were either at Cape Vincent or Port
24 Weller. Have you been made aware of any such rule
25 or regulation?

26 A. I do not know anything about their
27 financial situation. I do not have anything to do
28 with that.

29 THE CHAIRMAN: You are going to
30 change the subject now?



1 English

2 MR. LALONDE: Yes, My Lord.

3 THE CHAIRMAN: We will adjourn
4 until tomorrow morning at ten o'clock as usual.

5 -----

6 ---WHEREUPON THE HEARING WAS ADJOURNED UNTIL TUESDAY,
7 THE 10th DAY OF MARCH, 1964 AT 10:00 A.M.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

St. Catharines Ontario

VOLUME No.:

112

DATE:

March 10, 1964

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Police and Magistrates'
Court Building, St. Catharines,
Ontario, on Tuesday, March 10th,
1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots

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* * * * *



St. Catharines, Ontario
Tuesday,
March 10, 1964

13980

English

THE SECRETARY: May it please Your Lordship; I should like to convey to you a message which I have received this morning from the Chief Constable. It reads:

"March 10, 1964

The Honourable Chairman
Royal Commission on Pilotage

Your Honour:

Would you please ask the spectators and witnesses in the courtroom not to crush out burning cigarette butts on the floor as they are damaging the floor?

Respectfully yours,

(signed) J. S. Anderson
Chief Constable"

MR. JACQUES: I presume this should refer to the courtroom and to the corridors; and I take it it applies to solicitors and not only to witnesses and spectators.

THE CHAIRMAN: Yes, it is a very beautiful building and I don't think there should be damage by carelessly crushing out cigarettes on the floor, which always looks very bad looking afterwards.

JOHN MANUEL WATSON, Recalled

CROSS-EXAMINATION BY MR. LALONDE (continued):

Q. You have provided the Commission with sufficient copies of the joint fourteen rules and the dispatching rules which you referred to yesterday; is that correct?



1 English

2 A. That is correct.

3 Q. Would this be the complete set of
4 dispatching rules or working rules in the District
5 aside from the various notices which you put on the
6 bulletin board at various times?

7 A. Well, which are you referring to?
8 Are you referring to the joint rules for Districts 1
9 and 2 or Districts 2 and 3?

10 Q. I am referring mainly to the
11 dispatching rules in District 2.

12 A. This blue copy is --

13 Q. Will you give it to the Exhibit
14 number?

15 A. Exhibit 1012; this is the skeleton
16 from which the rules grew and are growing.

17 Q. But so far as you know there has
18 been no other similar booklet of rules prepared since
19 except the one which is now in preparation or in
20 draft form and which you have sent to Ottawa, I
21 understand?

22 A. Yes, there was one which was given
23 to me late in 1962.

24 Q. Yes?

25 A. And these I did not distribute.

26 Q. Where did you get these from?

27 A. These came from the same source
28 and they were practically the same as these but with
29 some deletions.

30 Q. Who prepared these new rules?



1 A. These were prepared by the staff
2 in Ottawa after revisions which I suggested.

3 Q. I see. Do you know who in Ottawa
4 was responsible for this revision?

5 A. For the revision?

6 Q. Do you know who in Ottawa was
7 responsible for the revision?

8 A. I was responsible for the revisions.
9 They rewrote them taking into account the revisions
10 and deletions that I suggested.

11 Q. Do you know who in Ottawa worked
12 on these rules?

13 A. Not precisely.

14 Q. Whom were you in contact with when
15 these rules were revised?

16 A. I wasn't in contact when the rules
17 were revised. Prior to these rules being issued I
18 was in contact with a member of the staff in Ottawa.

19 Q. And this was Captain Seeley, I
20 take it?

21 A. Captain Sealy and also Captain
22 Bender; mostly with Captain Bender.

23 Q. And when you referred to "these
24 rules" you are referring to Exhibit 1012?

25 A. Exhibit 1012, yes.

26 Q. Do I understand that in the new
27 review in 1962 this procedure was not followed -- that
28 you are not in contact currently, after you had sent
29 the proposal to Ottawa?

30 A. No.



1 English

2 Q. And were there any consultations
3 between Ottawa and yourself after you had sent these
4 suggested revisions?

5 A. No; as I recall, they pretty
6 well carried out the revisions that I had suggested.

7 Q. Were a number of your suggestions
8 left out?

9 A. In the original text do you mean?

10 Q. In the text which came from Ottawa
11 in late 1962?

12 A. Well, at that time I didn't revert
13 to my original submission; I just suggested revision
14 of this particular copy.

15 Q. That is Exhibit 1012?

16 A. Yes, Exhibit 1012.

17 Q. You suggested revisions of Exhibit
18 1012 to Ottawa?

19 A. Yes.

20 Q. When did you suggest these revisions?

21 A. Well, very shortly after these
22 came down.

23 Q. And these came down when?

24 A. The date here is March 15th;
25 probably I received them --

26 Q. March 15, 1962?

27 A. Yes; possibly April.

28 Q. And your suggestions were sent
29 some time in April?

30 A. No; my suggestions were sent



1 English

2 possibly in May.

3 Q. And then late that year you say
4 you received a new booklet?

5 A. Yes.

6 Q. And you say that you did not
7 compare that new booklet with the revisions you had
8 suggested, however?

9 A. I compared them. I said I didn't
10 distribute them to the pilots.

11 Q. I'm sorry; you said that they were
12 pretty much the same as the suggestions you had made?

13 A. Yes.

14 Q. I am asking whether some of your
15 suggestions had been left out?

16 A. I don't think so.

17 Q. You are not sure?

18 A. I am not sure.

19 Q. Now, you still have copies of these?

20 A. Yes, I still have the copies.

21 Q. Would you mind, some time after
22 lunch, or tomorrow, if you don't go to your office
23 today, bringing a copy of these rules which were not
24 distributed?

25 A. Okay.

26 Q. Do you have a copy with you?

27 A. No, I don't have a copy. I thought
28 I had. But I pretty well had to have a truck to come
29 down here this morning anyway.

30 Q. Now, why were not these rules



1 English

2 distributed?

3 A. Well, as I recall it was in late
4 October when I received this revision and by this
5 time I was aware that there were more changes imminent
6 in the District, or we expected there would be; and since
7 these rules were to be applied chiefly to Canadian
8 pilots it was the wish of all parties concerned that we
9 have a set of rules drawn up which would embrace
10 pilots of both nationalities and both groups; in
11 other words every pilot would have the same working rules
12 in his hands and everyone would operate the same.

13 Q. When you say it was the wish of
14 all parties concerned, whom are you referring to?

15 A. First, me; and I think I can
16 safely say that the pilots wish to have uniform
17 working rules.

18 Q. And your basis for that is still
19 the same basis as the one you mentioned yesterday,
20 of having conversations with individual pilots
21 occasionally?

22 A. Yes; I have no sworn statements
23 that that is what they wanted, but I feel that all
24 pilots like to have regulations, to know what they
25 want and what they are supposed to do.

26 Q. And did you have representations to
27 this effect from the American Authority or the American
28 pilots?

29 A. I didn't directly. I believe the
30 American pilots expressed their intention to their



1 English

2 administrators of communicating that thought to me.

3 Q. And I understand this is the way you
4 started on this new joint revision which took the
5 whole of last year and which is not completed yet;
6 is that right?

7 A. That is right.

8 Q. These new rules -- and I don't want
9 to go back on what we said yesterday -- but these
10 new proposed rules which you prepared last year -- I
11 understand they have not been submitted in draft form
12 to the pilots for their comments?

13 A. To the Canadian pilots?

14 Q. Yes.

15 A. No, they haven't.

16 Q. Now, I want to come back to the
17 point where we were yesterday when we adjourned, in
18 relation to the pilot who was disciplined for having
19 moored a ship in the Welland Canal in 1962. Do you
20 know what penalty was imposed?

21 A. He was suspended for two days.

22 Q. And do you know what punishment
23 that represents, or represented at the time in 1962?

24 A. Roughly \$90.00.

25 Q. And what was specifically the
26 offence? You said yesterday it was because he
27 moored a ship in the Welland Canal; but certainly
28 this is not an offence, or is it?

29 A. It is not as such -- not mooring
30 a ship; but the fact that the ship was delayed.



1 English

2 Q. Then, the penalty was imposed because
3 there was delay to the ship?

4 A. Delay to the ship; also that he
5 did not complete his assignment.

6 Q. Well, what is it?

7 What is the offence?

8 Is it one, or the other, or both
9 of them, or just that he moored the ship?

10 A. It is not that he moored the ship.

11 Q. Yes; well, then, we are left with
12 two mentions -- one, that the ship was delayed, and
13 secondly, that he did not complete his assignment.
14 Do you mean to say that these two were the offences,
15 or that one of them was the offence?

16 A. Both.

17 Q. Now, let us take the case of the
18 delay. You said yesterday that the pilot had
19 requested relief on a couple of occasions?

20 A. That is correct.

21 Q. And isn't it a fact that, according
22 to the rules prevailing at the time, he would have been
23 entitled to relief, having been on that ship for 16
24 hours, you said?

25 A. Well, it comes to a question of
26 titlement. These rules or promises were made providing
27 we are able to do so, and under normal conditions we
28 will do so.

29 Q. Yes; but, then, isn't it a fact
30 that the pilot did not leave the ship until there was



1 English

2 relief sent?

3 A. I believe that to be a fact, yes.

4 Q. And, in effect, this is a fact,
5 isn't it, that you sent -- or your office sent a
6 relief pilot who relieved that particular pilot
7 aboard the ship?

8 A. After the ship was --

9 Q. --Moored?

10 A. Moored, yes.

11 Q. So the pilot aboard the ship
12 never left the ship until he was replaced, or
13 relieved? Are you aware of that?

14 A. Yes, I am aware of that.

15 Q. And according to the rules at the
16 time, provided you had men available you would relieve
17 pilots after approximately 12 hours of duty; is that
18 correct?

19 A. Yes; but --

20 Q. When you say that the man did not
21 complete his assignment, wouldn't it be truer to say
22 that he did complete his assignment in the sense that
23 he didn't leave the ship until he was relieved,
24 according to the rules prevailing at the time?

25

26

27

28

29

30



English

A. I don't think you are correct in that assumption.

Q. Yes?

A. In the first place the ship was tied up. Let me recount the incident there if I may.

Q. Yes, you may.

Q. The ship that the pilot took down left Cleveland at 9.15 on the night of June 21.

Q. Yes?

A. I am taking you back to the down bound trip, and he arrived at Port Colborne Buoy at 8 o'clock; p.m. in the morning. This ship had a certificate of exemption, so I presume the pilot had a reasonable night's rest at that point.

Q. Yes?

A. Again the ship arrived at Port Colborne Buoy at 8 o'clock in the morning, and was ordered to anchor.

Q. Before you proceed, you presume that the pilot had rest across Lake Erie or from Cleveland to Port Colborne; is that it?

A. That is right.

Q. Did you check into this?

A. I wouldn't check into this, but I would assume if a pilot went to a hotel and spent a night there he probably had a night's rest, but I couldn't swear he did sleep.

The ship left Cleveland. The ship had a certificate of exemption, so he was not required for



1 English

2 duty on the lake.

3 Q. But he was not in a hotel there; he
4 was aboard the ship?

5 A. He was aboard the ship.

6 Q. What is this hotel business?

7 A. You say why would I assume he had a rest
8 on the ship.

9 Q. Well, I am asking you. This is a
10 particular case, and I am asking you whether you did
11 check as to whether or not his services were required
12 for some reason across the lake.

13 THE CHAIRMAN: I think what Captain Watson
14 is trying to say, it was as if he were in a hotel and
15 could sleep there.

16 MR. LALONDE: Yes.

17 THE CHAIRMAN: Because it was a ship with
18 a certificate, and as to whether he slept there or
19 not, he could do so.

20 Q. Yes. This particular question was
21 asked of that individual pilot at that time?

22 A. I notice the ship has a certificate of
23 exemption, which would indicate that they are able to
24 take the ship across the lake themselves. The ship
25 arrived at Port Colborne and had to anchor. At 12
26 o'clock she sailed, so I presume at that time the
27 Canal Controller had called the ship in. Of course,
28 I realize after sleeping all night the pilot would
29 probably not be able to sleep all morning too.

30 Q. Excuse me. To be fair, I think you



1 English

2 should say after assuming that he has slept all night,
3 because you didn't check this.

4 A. No, I didn't check into this.

5 Q. Okay, carry on.

6 A. At 14.34 the ship was in the lock,
7 which is 2 hours and 34 minutes after the time the ship
8 sailed it was in the lock. We have no more times until
9 the ship left Port Weller at 4.50 in the morning.

10 Now, we know that some place in that space
11 of time from half past two in the afternoon until 5
12 o'clock the following morning -- that is 14 hours and
13 a half -- that that could not have been spent entirely
14 on the bridge, or it could not have spent working
15 because a ship just couldn't be moving that length of time.
16 She must have been tied up some place so I presume the
17 pilot could get his feet up anyway. I am not saying he
18 would sleep, but he could probably get his feet up in
19 that course of time. So he debarked from the ship at
20 4.50 in the morning.

21 Q. When he was relieved?

22 A. No, the ship terminated her voyage then
23 at Port Weller. So from 5 o'clock in the morning until

24 -----

25 Q. Excuse me. You are talking now of the
26 previous ship?

27 A. Yes.

28 Q. Okay.

29 A. So then he had from 5 o'clock in the
30 morning until he turned the ship at 23.50 at night, so



1 English

2 let us say 10 o'clock at night.

3 Q. Yes?

4 A. Five in the morning until five in the
5 afternoon is 12 hours, and until 10 o'clock it is 17
6 hours. I am not saying he slept or anything else, but
7 he had time off.

8 Q. Yes.

9 A. He was in the lock at 3.32 in the
10 morning. He turned the ship at 23.50, and he sailed
11 at 23.50 from Lake Ontario, brought the ship into Port
12 Weller harbour. At 3.52 he was in the lock, so he
13 had probably a couple of hours along the lock wall.

14 Q. Yes?

15 A. During this time he also could have
16 his feet up. We see where the pilot debarked at
17 18.00. He was relieved at that time so he debarked.

18 Q. Yes?

19 A. The ship was moored to the Beaverboard
20 Dock at Thorold.

21 Q. I am sorry, to be clearer, you say
22 proceeded from Port Weller, tied up at the wall --
23 what time was he there?

24 A. He boarded the ship on the lake at
25 23.50.

26 Q. Yes?

27 A. He proceeded into Port Weller. I
28 don't know what time he arrived alongside the wall, but
29 I know the interval from 23.50 until 3.30 in the morning
30 is better than 3 hours and a half.



1 English

2 Q. Yes, I see. 3.30 the next morning,
3 was there a call for relief?

4 A. No.

5 Q. What happened at 3.30 in the morning?

6 A. He arrived in Port Weller at Lock 1.

7 Q. Yes?

8 A. He commenced his voyage, so the
9 interval between the time he turned the ship and the
10 time the ship was in the lock, the interval would be
11 in excess of the time required to go that distance,
12 so the ship must have been moored for possibly two
13 hours, and at that time had his feet up or he had a
14 chance to rest.

15 Q. You assume he had his feet up. Did
16 you check into this?

17 A. No, I didn't check into this, but I
18 am certain ---

19 Q. The pilot was not at least on standby
20 all that time?

21 A. It has been proven this is not a
22 necessity. I am sure people learn to protect
23 themselves in their profession, in their business,
24 because when we use harbour pilots, the harbour pilot
25 simply tells the master "Move your ship up, and when
26 you come to a certain place there will be a pilot will
27 board you."

28 With the pilot aboard he can simply tell the
29 master to move the ship along and be up there.

30 Q. Did you ever check whether this was



1 English

2 the practice amongst the pilots in your District?

3 A. No, I have never checked on that to
4 be certain.

5 Q. From 3.30 in the morning he was in Lock
6 1, and then proceeded to where until when?

7 A. The next time we have is 18.00 when
8 he debarked from the ship.

9 Q. That is 6 o'clock at night?

10 A. 6 o'clock at night. He debarked from
11 the ship at 18.00.

12 Q. Yes?

13 A. Now, this is 3.30 in the morning to
14 18.00; fourteen and a half hours, isn't it?

15 Q. Yes?

16 A. Which is a very long passage, so he
17 certainly could not have been working all that time.
18 He probably could have had his feet up there too.

19 However, I think there was a time that is
20 not counted, that is not accounted for in this card.
21 That is to say the time of debarking from the ship,
22 because I would like to refer to the canal passages
23 of that day.

24 Q. Yes?

25 A. I find that the Riverdore was in Lock 1
26 at 3.32, June 24. Immediately behind her, the next
27 lockage behind her at 4.58 -- that is an hour and twenty
28 minutes or twenty some minutes behind him is the
29 Victorious, and behind that is the Griffon. These
30 are three ships, and immediately ahead of the Riverdore



1 English

2 was the Murray Bay.

3 Q. So the Riverdore was between two lake
4 ships?

5 A. That is right. The Murray Bay is quite
6 a large ship and maybe was moving slowly. However,
7 the canal was busy. We find up-bound at Port Colborne
8 ---

9 Q. That is at the other end of the canal?
10 The pilot had been relieved at that time?

11 A. I am trying to paint a picture if I
12 may. The Riverdore was ahead of the Victorious.
13 She was an hour and some minutes ahead of the Victorious
14 going into Port Weller.

15 In the meantime on the way up the Riverdore
16 moored to the wall. The Victorious which was a turn
17 behind the Riverdore at Port Weller was in Port Colborne
18 at 19.54, which is nearly 8 o'clock. The Murray Bay
19 was in the lock; the ship immediately ahead of him
20 was in the lock at 18.08.

21 It is reasonable to assume that had this ship
22 Riverdore continued, that she would have been in Port
23 Colborne and the job would have been finished somewhere
24 between 18.08 and 19.54.

25 Q. Yes?

26 A. And yet at 18.00 is when the pilot
27 debarked from the ship.

28 Q. This is something you can say now post
29 factum?

30 A. These are the facts which I look at at



English

1 the time. This is what I looked at the following
2 morning to see what happened.

3 Q. But isn't it a fact from the place
4 where the pilot was relieved to Port Colborne may take
5 up to 8 hours to make that distance in very many cases?
6

7 A. 8 hours?

8 Q. Yes, sir?

9 A. I would think that would be certainly
10 in the great minority of cases, yes.

11 Q. When you were talking about this
12 individual case, did you look at any other instance to
13 compare what was the usual time to make that passage?
14 Did you look at other ships?

15 A. This is what I have this for.

16 Q. My question is very simple. You can
17 answer it by Yes or No. Did you look at other
18 instances, other similar instances to see what time it
19 takes normally to make that passage?

20 A. With reference to this particular case
21 or in my business?

22 Q. When you came to reach a conclusion as
23 to whether or not this ship would have completed its
24 passage in such and such a time?

25 A. This is what I base my opinion on, the
26 time of passage.

27 Q. Yes, but you reached that conclusion I
28 understand only on the basis of the individual cases
29 by looking at the Victorious and the Murray Bay on that
30 particular instance?



1 English

2 A. Over the course of my experience in
3 this job I have from time to time had to submit reports.
4 I have to make estimates and draw conclusions, so I am
5 very conscious of the amount of passage. Many times
6 I have drawn up reports basing them on the average
7 canal passage and the time of passage and so on.

8 Q. Yes. Now, it still remains that the
9 pilot after 12 hours was entitled at that time to
10 relief if you had a man available; is that the case?
11 That was the rule in 1962?

12 A. That was the ruling, yes, but we didn't
13 have a man available at that time.

14 Q. But you had one --

15 A. Later, so the pilot tied up to wait
16 for him.

17 Q. If I am a pilot aboard a ship, and
18 at some time for any reason I don't feel well; I might
19 have a headache; I might be seasick we will say, and
20 I consult with the master and I say I don't feel well,
21 and I ask the Canal Authority, and they say "You
22 may tie up", is that an offence to tie up?

23 A. If a pilot is sick and indicated to
24 the pilot office that he is sick, and this happens
25 more than a few times.

26 Q. Yes?

27 A. We don't question how sick he is or
28 why he is sick or anything else. We provide a relief
29 if there is anybody there. Sometimes we have relieved
30 pilots in Lock 1 when he has just started ---



1 English

2 Q. I am sorry, I missed that.

3 A. We have relieved pilots in Lock 1, the
4 first lock, that has just started to work there.

5 Q. Didn't your dispatcher report to you
6 that that particular pilot had declared he was not
7 feeling well?

8 A. He declared that he was tired.

9 Q. Yes? That is the report you got?

10 A. That is the report I got. Fatigue.

11 Q. From the dispatcher?

12 A. That is correct.

13 Q. Did you check with the pilot afterwards
14 whether he was just tired or whether he did not feel well?

15 A. Well, the pilot was in my office the
16 next morning.

17 Q. Yes?

18 A. And he complained he had swollen ankles.

19 Q. Yes. That is the only thing there was
20 to it? You didn't make any further inquiry in this
21 respect or there was no further discussion?

22 A I just recall that he asked me if he
23 was suspended, and I told him he was not suspended at
24 the moment, but I was referring the case to Ottawa.

25 Q. And the decision to suspend him was
26 taken by yourself or by Ottawa?

27 A. Well, the decision to suspend of course
28 was taken by Ottawa, but I think I should make it clear
29 to the Commission that there comes a time when the
30 supervisor is aware of certain conditions and the
climates in which he is operating.



1 English

2 Q. Yes?

3 A. And that a decision has to be
4 made. If there is any criticism of this decision, then
5 I am quite happy to take it because I feel that there
6 comes a point when I must be the one who is on the
7 spot and who must make the decision.

8 Q. I am not asking for a declaration
9 of principle here, and you do not need to look at
10 Captain Slocombe when you answer me on these questions.

11 A. I was not looking at Captain
12 Slocombe; if you think I was, I was not.

13 MR. BRISSET: In fact they are
14 not on speaking terms.

15 MR. LALONDE: Q. I am asking
16 you to specifically answer in connection with a
17 specific case. I am just asking you whether in this
18 particular instance the decision was taken in Ottawa
19 or by you?

20 A. The decision was formed in Ottawa
21 as a result of my report.

22 Q. Did you have a recommendation in
23 your report?

24 A. Well, this was a telephone conver-
25 sation.

26 Q. So there was no written report
27 to Ottawa?

28 A. Well, there was subsequently, I
29 believe; I do not have it.

30 Q. Subsequently to the sentence?



English

A. As I recall the telephone conversation, and of course I wrote at the same time, I believe.

Q. You should have that in your records, I suppose. You would be able to assess whether or not you made your report on the same day or the day after or after the sentence came back from Ottawa?

A. Well, I do not have the letter to be quite frank there. Very probably it is in the files. As you understand, we do not have that.

Q. Yes. Unless you want to check during the adjournment --- (File handed to witness by Mr. Jacques).

MR. LALONDE: I am sorry to take so long on this, My Lord, but I think it is an important case to explain the procedure which was followed.

Q. Did you find the letter?

A. The letter was written on the 25th June.

Q. Was written by you on the 25th June?

A. Yes.

Q. Would you tell this Commission what date the suspension decision bears?

A. The 25th June.

Q. I see, and I do not think Her Majesty's mail is that fast that your letter was in Ottawa the same day. Is that a fair assumption to make?



1 English

2 A. That is a fair assumption to make,
3 yes. That is why we used the telephone.

4 Q. And the incidents you mention
5 arrived on what date -- the 24th? When did you
6 call Ottawa?

7 A. It would be the morning of the 24th.

8 Q. Is this usual practice? Well, yes,
9 you do not have too many instances of discipline, but
10 is this a usual procedure, that you get a sentence
11 the next day from Ottawa without even having had time
12 to mail your report to Ottawa by writing? In the
13 other instances which you have mentioned did you have
14 a sentence that fast from Ottawa?

15 A. No.

16 Q. Is this case exceptional in this
17 regard?

18 A. Well, of course, this case was
19 right at hand and the pilot was not working until
20 there had been some decision made or some action
21 taken. In most cases or other cases referred to the
22 incident came to our notice from other people and some
23 time elapsed before we were aware of it. And of course
24 we had to examine -- when you are taking evidence of
25 that kind.

26 Q. Yes?

27 A. It took longer.

28 Q. When you phoned to Ottawa to make
29 your report had you met the pilot concerned before?

30 A. No, I do not think so.



1 English

2 Q. After you had met the pilot, did
3 you phone again to Ottawa, on the same subject
4 obviously?

5 A. Well, I could not say whether I
6 did or not.

7 Q. From what you stated the procedure
8 which was usually followed in the other incidents
9 which you mentioned yesterday was that the pilot was
10 kept on duty until you would get a report from Ottawa
11 as to what disciplinary measures you should take; is
12 that correct?

13 A. That is correct.

14 Q. Is this the only instance where
15 the man was taken off the list immediately after
16 the incident was reported?

17 A. I am not sure. There may have
18 been one other case; I am not sure.

19 Q. Was there any particular reason
20 why this man was immediately taken off the list and
21 not put back until you got the answer from Ottawa?

22 A. Was there any reason?

23 Q. Yes. Well, let me put it otherwise.
24 To begin with is it true first of all that the man
25 was taken off the list as soon as he was relieved from
26 the ship?

27 A. I issued instructions to the
28 dispatcher not to dispatch him, that I wanted to see
29 him.

30 Q. I see. I understand the man was not



1 English

2 put back on the list before you got the decision from
3 Ottawa; is that correct?

4 A. No, he was not.

5 Q. Did you have any reason to expect
6 that a sentence or a decision would be coming that
7 fast from Ottawa in the light of previous experience,
8 that you could keep the man off the list until you
9 would get an answer from Ottawa?

10 A. I really cannot say that I had
11 any previous experience; I do not know. That might
12 have been the first case of that nature.

13 Q. You mean this might have been the
14 first disciplinary measure you ever took in the
15 District?

16 A. I think probably.

17 Q. And the instructions which you
18 issued, were they to the effect that the man should
19 not be put back on the list until you got answers
20 from Ottawa?

21 A. No, until I told them to.

22 Q. Until you told them to put him
23 back?

24 A. Yes.

25 Q. I see, because you stated you had
26 seen or spoken to the man the next morning.

27 A. That is right, yes.

28 Q. And you maintained your decision
29 after having talked to him that he should be kept
30 off the list for further time?



1 English

2 A. Yes. He asked me if he was under
3 suspension. I said, "You are not under suspension
4 at the moment, no".

5 Q. I see. What happens when a man
6 like this is not under suspension? Is he just off
7 the list without loss of pay or --

8 A. That is correct.

9 Q. The second offence which you
10 referred to was the question of delay of the ship;
11 is that correct?

12 A. That is correct, yes.

13 Q. You said yesterday that you had
14 never had any complaint from the Master or the agent
15 to the effect that their ship would have been delayed
16 because of this; is that correct?

17 A. That is correct.

18 Q. Is it fair to conclude then --

19 A. There are many ships that come
20 up here that the agents have not got a clue what goes
21 on once they leave Montreal.

22 Q. I see, but the Master never made
23 a report to you or the people in authority in Ottawa
24 to that effect?

25 A. No.

26 Q. Is it fair to conclude that you
27 reached on your own the conclusion that this ship was
28 delayed period and this was an offence?

29 A. Yes.

30 Q. Even though the Master of the ship



1 English

2 might have agreed to the decision of the pilot at
3 the time and even though the canal authorities had
4 authorized the ship to moor?

5 A. That I do not consider is any
6 concern of mine -- whether the Canal Authority has
7 given authority to moor the ship or not. Nor do I
8 know what the Master's opinion was. I never saw
9 the Master. He probably did not know what was going
10 on anyway, he has been ~~re~~ tying up so many times.

11 Q. There, if I may suggest, you are
12 assuming?

13 A. That is right.

14 Q Did you ever ask the pilot whether
15 he had obtained the consent of the Master to moor
16 the ship?

17 A. I think the pilot said the Master
18 was happy to tie up.

19 Q. Then the assumption would probably
20 be on the contrary of what you said; the assumption
21 would probably be that the Master agreed to it?

22 A. That is right.

23 Q. I would like to come now to the
24 pilot boat situation at Port Weller. Yesterday you
25 produced, I think, a letter from yourself to Lakeshore
26 Transportation Company. Have there been any
27 instructions issued for the coming year on the basis
28 of that letter?

29 A. I have drawn up instructions for
30 the dispatchers for the coming year.



1 English

2 Q. I see. Are these instructions
3 available?

4 A. They could be. I might have them
5 here.

6 Q. Do you mind producing a copy of
7 these instructions?

8 Shall we give them another number
9 or join them to the previous letter?

10 THE CHAIRMAN: Which letter is that?

11 MR. LALONDE: The letter from
12 Captain Watson to the Lakeshore Transportation Company.

13 THE CHAIRMAN: Yes, we will join
14 them.

15 THE SECRETARY: Exhibit number 1010.

16 MR. LALONDE: This document is
17 entitled Instructions to Dispatchers Regarding the Use
18 of the Pilot Boat at Port Weller. They are instructions
19 issued by Captain J. M. Watson on January 16th, 1964.
20 This will be part of Exhibit 1010.

21 ---ADDITION TO EXHIBIT NO. 1010: Instructions to
22 Dispatchers Regarding
23 the Use of the Pilot
24 Boat at Port Weller,
dated January 16th,
1964.

25 Q. Are these instructions along the
26 lines of the letter which you sent to Lakeshore
27 Transportation Company?

28 A. Well, I suppose these are actually
29 just telling the operators how to proceed and what
30 they should do.



1 English

2 Q. Did you draw these instructions
3 on your own?

4 A. That is correct.

5 Q. When the decision was taken as to
6 new procedure in Port Weller your letter to Lakeshore
7 Transportation mentions that this was made following
8 representation by the Shipping Federation of Canada
9 and American pilots, I understand; is that correct?

10 A. That is correct.

11 Q. These representations, were they
12 made to you either by the Shipping Federation or by
13 the American pilots?

14 A. Nothing was made to me.

15 Q. Nothing was made to you. This
16 letter which you wrote to Lakeshore Transportation,
17 was it on the basis of your letter you had received
18 from Ottawa?

19 A. Yes.

20 Q. Do you have this letter with you?

21 A. No, I am sorry, I do not.

22 Q. Is it in your files?

23 A. I have the letter in the office.

24 Q. Yes. Would you mind bringing it
25 along when you come back?

26 When you received this letter from
27 Ottawa with regard to the pilot boat at Port Weller,
28 had you been contacted or consulted previous to
29 receiving this letter about the pilot boat operation
30 at Port Weller?



1 English

2 A. It had been discussed, let us say,
3 and I had expressed my concern that the pilot boat
4 in Port Weller might not be able to exist if there
5 was not sufficient business there. I wrote a letter
6 to this effect, also to the effect that there are
7 times when we must have a boat there, and gave reasons
8 why I felt the boat should be there.

9 Q. Do I understand that before you
10 received this letter from Ottawa you had the
11 opportunity of expressing your views about the
12 discontinuation or the restriction of the use of the
13 pilot boat?

14 A. Yes.

15 Q. And that you wrote to Ottawa to
16 that effect?

17 A. That is right.

18 Q. Do you mind bringing along the
19 letters you wrote to Ottawa previously to --- well,
20 all the letters you wrote to Ottawa in this respect?

21 Is it your view that this pilot
22 boat operation will have to be kept going in the
23 coming years?

24 A. Well, basing the statement on
25 past experience, I would have to say there are
26 occasions during the course of bad weather and during
27 heavy congestion of traffic at the entrance to the
28 Canal that ships coming up the lake with a lake pilot
29 aboard, we cannot delay those pilots on the ships
30 for any great length of time, so we have to take those



1 English

2 pilots off and it may be as much as a day later that
3 we would maybe put a pilot on again, because this
4 ship would not have a certificate to come in from the
5 lake by herself.

6 Also there could be other reasons
7 why we need a boat here, not necessarily specifically
8 as a pilot boat, but since there are no other boats
9 that I know of that you can depend on to go on the
10 lake. There are times when you need a boat in the
11 vicinity -- people injured on ships and one thing and
12 another.

13 Q. You think it is a suitable
14 operation to have the Master dock himself in Port
15 Weller except for deep sea ships, or do you think
16 this might somewhat impede the Canal operation?

17 A. You are just asking for my opinion?

18 Q. Yes, your own opinion, if you
19 have any in this respect.

20

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English

1
2 A. Well, I would like to say, first, that
3 there are some of the regular ships which have been
4 coming up here which are quite competent and they do a
5 considerable amount of their own ship handling.

6 On the other hand, there are a great many
7 ships come up that do have a certificate of exemption
8 but they have only met the bare requirements to qualify
9 them, and I am very much concerned about what may
10 happen if they are ordered to come into Port Weller
11 harbour at night under certain conditions when there
12 are ships moored to tie up at a wall and there are ships,
13 or a ship, which is discharging cargo at the harbour and
14 they may be required to land between two ships. I
15 know that this is not the customary practice of ocean-
16 going masters, that they make these kinds of maneuvers.

17 Furthermore, I feel that under certain
18 weather conditions a man taking a ship through Port
19 Weller piers should be rather experienced, or should
20 be aware of what goes on and how quickly he may cross
21 those piers; and I am concerned that possibly there
22 might be a very bad accident.

23 Q. Yes. Now, you stated that one of
24 the reasons used by the Department was the reason of
25 delays of ships. You stated that in your testimony
26 yesterday -- that there might have been delays due
27 to pilot boat operations -- the pilot boat being busy
28 somewhere else. Have you experienced that during
29 last year, or in the last two years?

30 A. Yes, we have experienced it.



English

1
2 Q. Is it a frequent occurrence or is it
3 something which happens once in a while?

4 A. I think it is something that happens
5 once in a while; and it is generally magnified then.
6 But I have also been in other districts where I have
7 been delayed by a pilot boat, too.

8 Q. And I understand that next year you
9 said that the canal authorities will not ask the
10 deep sea ships whether they have a pilot on board;
11 they will ask them to proceed when their turn will come?

12 A. This is the information I have.

13 Q. Yes. If this procedure is going to
14 be followed next year is it not fair to assume that
15 there would be no reason for delays to deep sea ships,
16 if the canal authorities are not asking this question
17 any more, because the ship could proceed anyway if it
18 didn't have a pilot on board because of delay in the
19 pilot boat?

20 A. That is correct; that is the assumption
21 that they are working on.

22 Q. So that in fact this new procedure
23 from the canal might very well do away with the
24 particular instances of delays because of pilot boat
25 operations? Is that a fair assumption?

26 A. That could be so.

27 Q. Now, I understand that you are
28 regularly in touch with your senior officials in Ottawa;
29 is that correct?

30 A. I am in touch when I need to be; but,



English

1 of course, we have a teletype during the summer, too.

2 Q. Do you receive visits of Ottawa officials
3 often in the District here?

4 A. Well, what would you term often?

5 Q. Well, how often did you have a visit
6 of Ottawa officials last year -- I mean, Ottawa officials
7 concerned with pilotage?

8 A. Probably twice.

9 Q. Twice; and the year before?

10 A. About the same; I would say.

11 THE CHAIRMAN: And last year was that
12 including or excluding the Commission?

13 MR. LALONDE: That is a very good question,
14 My Lord.

15 THE WITNESS: What was that?

16 MR. LALONDE: Was this including or excluding
17 the visit of the Commission to this District?

18 A. That is not counting the visit of
19 the Commission. That was a pleasure!

20 MR. JACQUES: Do I understand that the
21 others were not?

22 THE WITNESS: We always have a little
23 trepidation.

24 MR. LALONDE: Q. Who is coming from
25 Ottawa to visit the District? Who was coming last
26 year, for instance, on the two occasions?

27 A. Mr. Cumyn, Captain Jones, Captain Seeley
28 -- I don't know whether Captain Slocombe was down last
29 year or not.
30



English

1 Q. I would like you to refer to the chart
2 of the Welland Canal, which has been tabled as Exhibit
3 980.

4 You stated that the restricted waters were
5 defined in the bylaws with regard to the Welland Canal.
6 You stated that the limits were from Port Weller to
7 Port Colborne; is that correct?

8 A. That is correct.

9 Q. I think you stated also that there
10 is not defined limit or boundary as to what these
11 restricted waters are; is that correct?

12 A. That is correct.

13 Q. In effect, the Great Lakes Pilotage
14 Regulations, tabled as Exhibit 1008, defines District
15 No. 2 in the following way:

16 "The Welland Canal and Canadian waters
17 of Lake Erie westward of a line running
18 approximately 206 degrees ~~through~~ from
19 South East Shoal light to Sandusky pier head light
20 at Cedar Point in the State of Ohio; and of
21 the connecting channels between Lake Erie and
22 Lake Huron."

23 So the definition of the restricted waters at the
24 eastern end of Lake Erie is merely the Welland Canal?

25 A. Yes, that is correct.

26 Q. Do you know whether there exists any
27 definition, ^{or} straight, definite limits, as to what the
28 Welland Canal is -- how far it extends?

29 A. The only definition which I know -- and
30



1 English

2 I don't know whether it is a legal or official
3 definition -- is that the Welland Canal Traffic
4 Controller assumes control of shipping between two
5 calling in buoys which are situated off Port Weller
6 about a mile north of Port Weller pier.

7 Q. Which does not appear on Exhibit 980...

8 A. It is there (indicating).

9 Q. ...but which appears on Exhibit 967,
10 and which the witness will circle with a red pencil on
11 Chart 2000. You say this is a calling in buoy?

12 A. This is marked as a recording buoy.

13 --- At this stage the witness circled the said buoy.

14 Q. It is about 2 miles...

15 A. About that.

16 Q. From what?

17 A. From Port Weller piers.

18 Q. And the western limits of the Welland
19 Canal -- what would they be?

20 A. The traffic control assumes control
21 at the calling in buoy off Port Colborne. This is
22 for ships approaching the canal.

23 MR. LALONDE: Which the witness will again
24 circle in red on the chart 2100, Exhibit 981.

25 --- The witness did so.

26 THE WITNESS: I don't know at what point
27 they relinquish control outbound.

28 MR. LALONDE: Q. Would you know whether
29 Port Colborne and the docks which are in Port Colborne
30



English

1 are considered part of the Welland Canal?

2
3 A. A ship coming to and from such docks
4 is controlled by the tariff controller in the Welland
5 Canal.

6 Q. They come under the Seaway Authority?

7 A. Yes; the movement of ships to and
8 from comes under the Seaway Authority.

9 Q. Do you know whether the docks themselves
10 belong to the National Harbours Board, or to the local
11 authority or to the Seaway?

12 A. I am sure some of them must come under
13 the Seaway and some must come under the National
14 Harbours Board.

15 Q. And so far as Port Weller is concerned
16 are there any docks?

17 A. Yes, there are coal docks.

18 Q. Yes; I see there are docks there.

19 A. And a sand dock.

20 Q. Do they come under the Seaway Authority?

21 A. Yes.

22 Q. You are aware, aren't you, that lake
23 ships on foreign flag -- that is, other than Canadian
24 and American flag -- are required to have pilots on
25 board in the restricted waters of the Great Lakes?

26 A. That is correct.

27 Q. Are you aware of ships coming into
28 Port Colborne and as far as Lock 8 in the canal and
29 starting back to Lake Erie without having a pilot on
30 board?



1 English

2 AS a matter of fact, I shouldn't only say
3 as far as Lock 8, but going through Lock 8 and as
4 far as Port Robinson and turning back? Have you been
5 made aware of such instances?;

6 A. Well, I know they come into Port
7 Colborne. It has happened a few times, yes.

8 Q. And that they have gone as far as
9 Port Robinson?

10 A. That is right.

11 Q. And they had no pilot on board?

12 A. No.

13 Q. Did they have waivers, or did it happen
14 that they just didn't take pilots?

15 A. Well, sometimes they just didn't take
16 pilots.

17 Q. I see. Were they charged for
18 pilotage in any way?

19 A. No.

20 Q. Were any measures taken in that respect
21 to prevent such occurrences?

22 A. Not recently.

23 Q. Were there any measures taken in the
24 past? That would be between May 1961 and now?

25 A. I reported some incidents, yes.

26 Q. To your knowledge was any follow-up
27 made on your reports by Ottawa?

28 A. Well, follow-ups were made to the extent
29 that I obtain letters from the Canadian authorities
30 of ships which passed at a certain time -- that the



1 English

2 passage was made -- and my letters stated that the
3 records showed the ships did this; also stating that
4 there was a pilot available.

5 Q. Yes; and then you sent all this to Ottawa,
6 I understand?

7 A. That is right.

8 Q. And did you get any answer from Ottawa
9 in that respect?

10 A. No, I don't think I got an answer.
11 I don't think an answer was required.

12 Q. And were you informed from Ottawa
13 that any measures had been taken?

14 A. Not that I recall.

15 Q. And so far as you know pilotage fees
16 were not collected either?

17 A. I don't know.

18 Q. If pilotage fees had been collected
19 they would have been paid into your District, would
20 they not?

21 A. Well, recently, yes.

22 Q. Well, my question is more of a general
23 nature?

24 A. Yes, that is right; I suppose they
25 would.

26 Q. And have you had notice that such
27 pilotage dues came into your fund here?

28 A. No.
29
30



1 English

2 Q. Did you have such instances during
3 the course of last year?

4 A. No.

5 Q. You didn't have any such instances
6 last year you say?

7 A. Instances that I reported, no.

8 Q. Are you aware that such incidents
9 occurred during the course of last year?

10 A. I am aware that there were a few
11 incidents of this nature.

12 Q. Yes. Is there any particular
13 reason why you decided not to report those cases?

14 A. Well, there were some times when
15 the dispatching of a pilot to Port Colborne for a
16 couple of hours' work was simply going to deprive
17 me of a pilot for a job of work which was necessary
18 to do.

19 Q. Were you aware of these instances
20 or incidents before they did occur?

21 A. No, not usually.

22 Q. So how can you say that in those
23 cases you would have been deprived or you did not
24 move because you would have been deprived of a pilot
25 whom you would need?

26 A. Well, we may hear things over the
27 radio telephone which is unofficial.

28 Q. I see.

29 A. But we hear.

30 Q. I understand that these ships did



English

not request a pilot at all; they didn't call you requesting a pilot. You didn't have any opportunity of saying, "I don't have a man available to go in?"

A. No, I didn't probably have an opportunity, but let us say probably I didn't bother with it on that account in some instances.

Q. Are you aware that this is an offence against the regulations of the District?

A. This could be. It could be an offence. However, they only run to Port Colborne.

Q. You are not aware of instances where some of these ships would have been going as far as Port Robinson?

A. No, I don't know about Port Robinson.

Q. Did you inform your American counterparts of this practice?

A. You are calling it a practice. I don't make it a practice.

Q. I mean you don't make it a practice of what?

A. Of not putting pilots on ships. This is not a general condition.

Q. Well then, did you inform your American counterparts that such incidents did occur with foreign registry lake ships?

A. No, I didn't inform them.

Q. Did you make a survey with the Canal authorities as to the number of cases where this would have occurred?



1 English

2 A. How would I make a survey with
3 the Canal authorities?

4 Q. The same way you checked very
5 carefully the case of the pilot aboard the Riverdore.

6 A. The Canal authorities don't know
7 whether there is a pilot aboard these ships or not
8 and couldn't care less.

9 Q. Do you know whether there is a
10 pilot aboard yourself?

11 A. Yes, I do.

12 Q. Doesn't the Canal Authority know
13 when ships go through, at what time and which ship
14 it is?

15 A. They do after.

16 Q. They have that in their records,
17 have they not?

18 A. If they wish to give it to me.

19 Q. But you could obtain it in the
20 case of the Riverdore and the case of pilots which
21 in your view committed offences, could you not?

22 A. I have Canal records; keep Canal
23 records every day.

24 Q. You have Canal records every day?

25 A. Certainly. We keep a running
26 account of the ships that go up and down for marine
27 reporting.

28 Q. You get this from whom? You do
29 this yourself?

30 A. It comes by teletype, yes. It comes



1 English

2 by telephone. We get telephone reports every day.

3 Q. From the Canal Authority?

4 A. Yes.

5 Q. Do you get every day from the
6 Canal Authority all the ships going through the
7 Canal; is that correct?

8 A. That is right.

9 Q. Then did you ever make a comparison
10 as to the number of cases where those lake ships
11 under foreign registry would move into the Canal and
12 the cases where they would take pilots and the cases
13 where they would not take pilots?

14 A. I was aware that this occurred,
15 yes.

16 Q. But did you make any survey over
17 a period of time to check whether instances which
18 would not have come to your attention did, in fact,
19 occur?

20 A. No, I never did.

21 Q. I understand you checked only
22 when particular instances were reported to you?

23 A. Usually, yes.

24 Q. Who reported these incidents to you
25 generally? The pilots, or was it just heard on the
26 radio?

27 A. Well, occasionally we would see
28 the reports. I would see the Canal Traffic Report
29 and see that so and so passed up the Port Colborne
30 Lock -- where did he come from?



English

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Q. Did you get complaints or reports from the pilots in this respect?

A. Vaguely, yes, sometimes.

Q. Now I understand under the rules and regulations, if you don't have a pilot available you are authorized to give waivers; is that correct?

A. No, that is not correct.

Q. How do you proceed about waivers? Are there waivers given?

A. Not in Canadian waters. I don't give anybody permission to comply with the law. That is the law of the land.

Q. I am talking about restricted waters.

A. Restricted waters, that is the same. If I don't have a pilot, I don't have to tell anybody to go. I just simply say, "I have no pilots", and he is free to go.

Q. Then there is no charge; is that correct?

A. There is no charge. It is compulsory pilotage, and there is no charge unless the service is provided.

Q. In American waters do they proceed by way of waivers; is that it?

A. In American waters the same law prevails except that the ship proceeds with the consent, or whatever the term may be, of the Commander of the U.S. Coast Guard. In that case he has to apply to the



1 English

2 U. S. Coast Guard for a waiver of compulsory pilotage.

3 COMMISSIONER SMITH: Is that what
4 they call a certificate of exemption?

5 THE WITNESS: No, this is a waiver
6 of compulsory pilotage.

7 Q. This waiver is given for that
8 specific instance when there is no pilot available,
9 but it is given by the Coast Guard?

10 A. That is right.

11 Q. While here in the part of the
12 river which comes under your jurisdiction, if you
13 just answer, "There is no pilot available", the
14 ship may proceed without any further measures to be
15 taken?

16 A. That is correct.

17 Q. Now, who is stating that there are
18 no pilots available, your dispatcher or yourself?
19 What is the procedure which is followed?

20 A. The dispatcher informs the ship
21 in my name. Likewise I am doing it -- I am low down
22 on the totem pole from the Deputy.

23 Q. Is there any specific rule that
24 you will not call a man unless he has got 12 hours
25 rest, or what is the rule in that respect? What do
26 you follow before you report that there are no men
27 available?

28 A. Well, we have no specific rule
29 as to the amount of time. There is nothing laid down.
30 However, we have tried to practice 12 hours interval



1 English

2 between dispatches.

3 Q. Do I understand that it is pretty
4 well left to the discretion of the man on duty at
5 the pilotage station to decide whether or not there
6 are men available?

7 A. Well, the man can see. He can read.
8 I don't know how you would say "discretion", what
9 reference you would say "discretion". We try to
10 practice, as I said, 12 hours interval between dis-
11 patches.

12 Q. Yes, but you say you try to
13 practice it. I understand from this that you some-
14 times proceed with less than 12 hours; is that true?

15 A. Yes.

16 Q. And what makes you reach a
17 decision sometimes that you will call a man although
18 he has not had his 12 hours and other times you will
19 keep the 12-hour rule? That is what I call a fair
20 amount of discretion left to the dispatcher then.

21 A. Yes, to a certain extent. Also
22 some pilots indicate, "If you give me a call at a
23 certain time I will go a little early", and so on.
24 If their situation is tough, some pilots will go
25 with less than 12 hours. So that is one case where
26 a dispatcher's discretion is coloured by other
27 influences.

28 Q. Is this the general rule that
29 you will call the men who say they are available
30 although they have not had 12 hours, or is it more



1 English

2 general that if the dispatcher feels that there
3 is a certain rush or a foreign ship should get
4 pilots, that they will call them and ask them to go
5 aboard?

6 A. If there are ships waiting there,
7 we will do our best to get a man aboard. We will
8 put anybody aboard then.

9 Q. Can a man refuse going aboard if
10 he has not had his 12 hours rest between ships?

11 A. Well, there is no provision for
12 that, that he can refuse a dispatch. There is
13 nothing that says how much time he is going to have
14 off.

15 MR. LALONDE: I see.

16 THE CHAIRMAN: I think we will
17 take a ten-minute break.

18 ---RECESS
19

20 Q. One last question about the
21 Riverdore case. Did you check whether your
22 dispatchers did call any pilot before telling the
23 pilot aboard the Riverdore that they had nobody
24 available?

25 A. I didn't check, but I know the
26 first pilot available was called when he became
27 available.

28 Q. That would have been after the
29 12-hour period; is that it?

30 A. Yes.



English

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Q. I see. Although there is no rule to the effect that there must be a 12-hour period, rest period, in that particular case your dispatcher decided to wait until the 12-hour period had expired before calling a pilot?

A. The 12-hour interval, you mean? You refer to a 12-hour interval? It is not 12 hours in the sack.

Q. Between trips?

A. Yes. Well, this pilot had 17 hours.

Q. I'm sorry. I put the question to the effect whether the dispatcher had decided in that particular case that he would not call the next pilot until that particular pilot had had his 12-hour interval between the two trips?

A. That is right, yes.

Q. Were there other pilots further down the list who had more than a 12-hour rest period?

A. At that time?

Q. Yes.

A. No.

Q. Did you check this?

A. Yes.

Q. You declared yesterday that pilots' expenses were reimbursed for travelling. You referred to trains, buses and planes. Are the pilots in your District authorized to travel by plane?

A. Well, the instructions are that they will travel by the most expeditious and economical



English

means available. In some cases --

Q. Those are the two conditions?

A. I beg your pardon?

Q. These are the two conditions, most economical and most, you said what, expeditious?

A. Yes.

Q. Yes?

A. There are certain places where a pilot will be required to travel by plane -- I am referring now to Detour, Sault Ste. Marie District.

Q. Is that in District #3?

A. On occasion our pilots have to go to Detour.

Q. Yes?

A. Detour is a very isolated community and you have to travel to Sault Ste. Marie in order to get transportation out of there.

Q. Yes?

A. Transportation is limited as to the hours, and if you can get a plane, the plane is much faster.

Q. Yes. And they travel by plane then?

A. Yes, sometimes they do. This is a matter of what time they arrive at a certain place. If the plane is gone, maybe they can catch a train or maybe they can take a bus, whatever means are available in that case.

Q. You refer to instructions. Who



English

issued these instructions?

A. These are the general instructions.

Q. Are these instructions in writing?

A. Yes.

Q. Have they been issued by yourself
or by the Department in Ottawa?

A. Well, they are in this.

Q. In Exhibit 1012, which is the
rules which are applied and not applied?

A. That is correct.

Q. Who decides which means of
transportation will be used?

A. Let us say the dispatcher decides
on the spot. He is the one that we have. We try
to keep up to date with the train and bus schedules.

Q. So the dispatcher directs the pilots
to take either the train, the plane or the bus?

A. That is right, yes.

Q. Yes, and are there any other
places where the pilots may travel by plane than
Detour or Sault Ste. Marie?

A. He may travel from Chicago; he
may travel from or to Cleveland.

Q. If we take the case of Cleveland,
as well as the other cases, I am sure that there must
be some contradiction between ^{the} two requirements at
times -- that is, to take the most expeditious and
the most economical way of travelling. Who is
deciding between the two qualifications when they are



English

1
2 in contradiction? Is that the dispatcher again?

3 A. Yes. The dispatcher would be the
4 one on the job at the time. The dispatcher has
5 received instructions.

6 Q. You mentioned Cleveland. Did you
7 not issue instructions to the effect that pilots could
8 not travel to and from Cleveland by plane otherwise
9 they would have to pay the travel expenses themselves?

10 A. Well, I would not agree to that
11 exact wording. I am not sure of your exact wording.
12 However, I do say ---

13 Q. What is your exact wording?

14 A. I do say that when the time
15 conditions permit he will travel by the common public
16 transportation. We have an order for a pilot at a
17 certain time. The dispatcher can see that that
18 pilot will take a certain bus; he will go to
19 Buffalo and catch a train, or maybe go on a bus. If
20 this can be done it costs about -- I think the bus
21 fare from St. Catharines to Cleveland, if I am not
22 mistaken, is \$8.10. The cost of a plane from St.
23 Catharines to Cleveland is in the vicinity of \$26.00.

24 This involves going from St.
25 Catharines to Hamilton to catch the limousine, a
26 limousine from Hamilton to Toronto airport; they
27 fly from Toronto to Cleveland; a limousine from
28 Cleveland into the town and a taxicab from there to
29 the ship.

30 We think it is in the interest of



English

shipping in general that we should go as economically as feasible and it is expeditious if it gets the pilot there in time to do the job.

Q. Have you issued instructions in writing to that effect?

A. Well, the instructions are there, of course.

Q. About Cleveland; I am referring to specific instructions about Cleveland?

A. I do not remember. I do not think Cleveland is mentioned specifically in those rules.

Q. No, but did you issue later on specific instructions or more detailed instructions in connection with Cleveland?

A. I may have, but I could not be sure right now.

Q. You would remove any instructions that had been put on the notice board last year by yourself?

A. I would not have removed them. I think I have just recently removed ---

Q. Cleaned up the board?

A. Cleaned up the board and instructed that these will be repeated and these will be deleted.

Q. When you made this clean-up did you find any instructions with regard to Cleveland?

A. Frankly I do not remember.

Q. How long does it take by bus to get from St. Catharines to Cleveland?



1 English

2 A. In some cases I think about six
3 hours.

4 Q. And in other cases?

5 A. It would depend a bit on the
6 connection.

7 Q. What is the minimum and the maximum,
8 let us put it this way. I suspect you have given me
9 the minimum.

10 A. I would say between six and nine
11 hours.

12 Q. I understand you will table later
13 on the financial statements in this District.

14 Did you ever notice some money
15 earned in this District going outside the District
16 or being used outside the District?

17 A. We do not handle any money. When
18 we get the money in -- or rather we handle only
19 cheques, of course, that are made out to the Receiver
20 General.

21 Q. Does this particular District pay
22 pilotage expenses for some other District, either
23 District 1 or District 3 or other Districts?

24 A. Pilotage expenses?

25 Q. Yes.

26 A. You mean direct payment of cash
27 or for services ---

28 Q. Paid out of the budget of the
29 District?

30 A. I do not really know what you are



1 English

2 talking about. I do not quite understand that.

3 Q. I will put it again. Are there
4 some expenses of pilotage in other Districts which
5 are paid out of District 2 budget?

6 A. The only thing I could think it
7 might be would be an advertisement in the newspaper.
8 I do not know just what you would call that.

9 Q. An advertisement for new pilots
10 or what?

11 A. For new pilots, I believe.

12 Q. The accountant would be aware of
13 the exact situation in this regard if there is
14 anything, I presume?

15 A. I beg your pardon?

16 Q. The accountant would be the person
17 more aware of whether such a practice exists?

18 A. I do not think he would be aware
19 of it, no.

20 Q. Do you send some form of annual
21 report to Ottawa?

22 A. You mean the financial statement?

23 Q. Operational report, let us say?

24 A. Yes, I do.

25 Q. Do you send this every year?

26 A. Every year, yes.

27 Q. Would you have a copy of these
28 annual reports for the last three -- well, since you
29 have been supervising in this District?

30 A. I would think so, yes.



1 English

2 Q. Would you mind bringing forward
3 these reports which you have sent to Ottawa?

4 You tabled yesterday a document
5 entitled Information, Policies and Regulations for
6 Ships' Pilots, Port Weller/Sarnia area, Exhibit 1011.
7 Is this the only information which the pilots have
8 obtained as far as their working conditions are
9 concerned?

10 A. To my knowledge, yes.

11 Q. Is there any particular reason
12 why the pilots have never been provided with the
13 Great Lakes Pilotage Regulations -- and I am referring
14 to a more important document, the Prevailing Rate
15 Employees Regulations -- because I understand they
16 have not obtained these documents; they have not
17 been distributed by your office?

18 A. If they ask for them we will get
19 them for them.

20 Q. I see, but your office has never
21 made available to the pilots the Prevailing Rate
22 Employees General Regulations?

23 A. Not since I have been there.

24 Q. Have you ever been made aware of
25 Treasury Board minutes to the effect that the work
26 week in your District would be 48 working hours?

27 A. No.

28 Q. You mean to say that higher officials
29 in Ottawa never raised this matter with you?

30 A. That the pilots' work week is 48



1 English

2 hours?

3 Q. Yes.

4 A. No, I have never had any indication
5 that that is to be.

6 Q. I see. I notice also that in
7 the document which I have just referred to, Exhibit
8 1011, which was distributed to the pilots, no such
9 mention was made either of these Treasury Board
10 minutes or as to the work week. Have you noticed
11 that?

12 A. Well, there is nothing in that
13 document that I read that restricts the working
14 hours. It says that no overtime will be paid. That
15 is the only understanding that I have.

16 MR. LALONDE: I am referring, My
17 Lord, to Treasury Board minutes 546155-3 and 544540-3
18 amending Treasury Board minutes 546155-2 and 544540-2,
19 which in turn were amending the minutes of 544540-1
20 and 546155-1. The latest one is dated January 28th,
21 1960; the previous one was May 26th, 1959 and the
22 first one was April 9th, 1959.

23 The witness is not in a position
24 to establish these documents, My Lord, but there are
25 photostats.

26 THE CHAIRMAN: They are optional
27 documents so you may file them if you want.

28 MR. JACQUES: I do not wish to
29 obstruct, but these documents were transmitted to
30 the Commission by the Department of Transport and



1 English

2 nobody can assure me whether they are complete or
3 not. Nobody can give me an explanation. I have no
4 objection to their being filed, but under that
5 reservation that nobody can explain them; nobody can
6 even assure us whether it is a complete picture of
7 the employment conditions for the pilots here.

8 THE CHAIRMAN: So that will help
9 to explain the problem. We know there is a problem
10 here. It will have to be explained later on.

11 So you will file them as 1014,
12 I believe.

13 ---EXHIBIT NO. 1014: Treasury Board minutes dated
14 April 9th, 1959, May 26th, 1959
and January 28th, 1960.

15 THE CHAIRMAN: I understand, Mr.
16 Jacques, you have a witness who is going to explain
17 all that?

18 MR. JACQUES: My Lord, I saw no
19 point in filing these documents here since I had
20 no one to explain them.

21 MR. LALONDE: I am sorry. I raise
22 the point only to see whether the witness is aware
23 that such rules did exist or are in existence.

24 THE CHAIRMAN: That is quite all
25 right.

26 MR. LALONDE: If a crewman joins
27 a ship at Port Weller, or somebody alleging that he
28 is a pilot for that vessel or a member of the crew,
29 an officer of that vessel; are you made aware of any
30 such event, or is it the whole responsibility of the



1 English

2 Seaway?

3 A. You mean ---

4 Q. I will clarify the point further.

5 There have been allegations before this Commission
6 that certain American citizens were joining some
7 American lake ships at Port Weller and would go down
8 with these ships and pilot these ships in effect
9 between, let us say, Kingston and Montreal or Cornwall
10 and Montreal. Have you been made aware of any instances
11 where American citizens have been boarding Pittsburgh
12 Steel ships, for instance, in Port Weller?

13 A. I am not aware. I have no interest.
14 I am not aware of it.

15 Q. I understand this would come
16 wholly under the Seaway Authority as to whether they
17 could board or not at Port Weller; is that correct?

18 A. That is correct -- anybody.

19 Q. I am referring now to the second
20 case you mentioned in which there was discipline
21 imposed in 1963. That is the ship which stayed in
22 Port Colborne for 24 hours or so. Did you ever
23 check whether or not the pilot concerned in effect
24 went home or stayed aboard the ship during that
25 period?

26 A. I did not check.

27

28

29

30



1 English

2

3 Q. You didn't check?

4 A. No.

5 Q. Secondly, did you interview or check
6 with the master of the ship whether he had required
7 the pilot to stay on board?

8 A. No; I don't think that is the point.

9 Q. You don't think that was the point?

10 A. No.

11 Q. But is it possible that the master
12 could have said to the particular pilot "I will
13 just stop here for a couple of hours. Stay on and we
14 will proceed after," and that, in effect, the ship
15 might have been delayed, for some reason, much longer
16 than the master expected?

17 A. I don't believe that to be the case.

18 Q. But you have never inquired into that
19 further?

20 A. No. Even if they are only going to
21 be there two hours he should have called the office.

22 Q. When a ship leaves and goes, let us
23 say, round Lake Erie and is stopping at several ports do
24 you expect a call from the pilot each time he stops
25 at such and such a port and then moves on to another
26 harbour?

27 A. This is the general practice.

28 Q. This is the general practice?

29 A. Yes. This is not adhered to one
30 hundred per cent, which we would like to attain --



1 English

2 one hundred per cent.

3 Q. Is there any written rule to this
4 effect, that they should call the office every time
5 they stop for a certain amount of time?

6 A. That is right; there is.

7 Q. Is this in the famous blue book that
8 you have referred to?

9 A. Yes.

10 Q. Which is Exhibit 1012?

11 A. Yes.

12 Q. Will you point out the rule to the
13 Commission, in this book, which was applied, because
14 that is one of the rules which was applied in the book,
15 is it?

16 A. This book and many other instructions;
17 but this book reads: "The pilot shall report to
18 the pilot office at Port Weller when at any time...

19 Q. Excuse me.

20 A. "A pilot, when assigned to a vessel,
21 shall report to the Pilot Office at Port Weller by
22 the most expeditious means once each day when passing
23 Port Colborne, South East Shoal, Port Huron, Sarnia,
24 Mackinac Straights; upon arrival in any harbour and
25 upon departure from any harbour."

26 MR. JACQUES: Could we have the witness
27 refer to the number of the Section, please?

28 THE WITNESS: Section 7, paragraph 2.

29 MR. LALONDE: Q. You have a rule and
30 you say it is generally adhered to, but I understand



1 English

2 from what you stated that it is not applied all the
3 time? It is not a definite rule, I understand?

4 A. Well, it is a definite rule; yes, it
5 is a definite rule.

6 Q. But it is not applied uniformly, let
7 us say?

8 A. Well, perhaps not. I really find myself
9 at times that I have more to do than devote my
10 exclusive time to being a policeman.

11 Q. Do you have any other instances where
12 you have suspended a pilot for not having reported when
13 passing any of these points or when arriving or leaving
14 any harbour?

15 A. No.

16 Q. You are aware, however, that other
17 instances occur where pilots do not report themselves
18 when arriving or leaving a harbour or passing one of
19 these points you mentioned?

20 A. That is right.

21 Q. You referred to certain improvement
22 in the working conditions in the District, particularly
23 the change over at Lock 7, and you said that previously
24 there was a 12-hour working period which was tried
25 as a maximum and then there was a change over pilot.
26 Are you aware that these rules followed representations
27 by pilots organizations in the District?

28 A. Am I aware?

29 Q. Yes?

30 A. That is why these rules were brought



1 English

2 into effect, at the representation of the pilots.

3 Q. And the rule about changing at Lock 7,
4 which came into effect only in 1963 -- was it a
5 definite improvement with regard to the previous rule
6 of 12 hours?

7 A. Well, it is definite in this respect
8 that we have a definite place where the pilot will
9 be changed; and we have also had to refine this to
10 the point where the pilot that has effected the relief
11 at Lock 7 will call into our office and indicate the
12 time at which he has assumed command, or assumed duty,
13 and when the other pilot is relieved.

14 This is necessary because we had to depend
15 on the absolute veracity of the pilot's word in other
16 instances and sometimes this is unsatisfactory.

17 Q. Are you aware that this request for
18 a change-over at Lock 7, although granted only in
19 1963, was asked for in the winter of 1962, of the
20 Department?

21 A. I believe that to be a fact, yes.

22 Q. You refer to this as an improvement
23 in working conditions. Have you made any check,
24 however, whether this resulted in a reduction in the
25 number of hours worked by the pilots in the District,
26 as an average over the year?

27 A. No, I haven't. I don't keep these
28 figures in my office any more. I do know this much,
29 that it certainly has almost tripled the work in the
30 dispatching office; and I certainly know that it uses



1 English

2 more pilots. They may not be working as long, but it
3 certainly uses more pilots because every time you
4 effect a change of pilot you always have one pilot
5 travelling from and another pilot travelling to the ship,
6 at which time the pilot is not resting.

7 However, the pilots have expressed satis-
8 faction, and certainly their actual working hours over
9 a stretch have been considerably reduced.

10 Q. In fact, what you are saying is that
11 there have been shorter hours per trip?

12 A. Yes.

13 Q. But more trips?

14 A. That is right. It is bound to follow.

15 Q. I want to clarify another point on this
16 matter of the three days off per month which, you stated,
17 was a maximum of 18 days a year?

18 A. That is right.

19 Q. So, in fact, it is 3 days off for 6
20 months?

21 A. Well, of course, last year I received
22 instructions to carry out this procedure, and I was
23 required at the time to expedite it at the 15th of
24 May, and I commenced on the 15th of May and it went
25 from the 15th of one month to the 15th of the next month,
26 which left half a month at the end of the season, and
27 there would be about half a month at the start of the
28 season. It would appear logical that after a winter's
29 rest and the pilots assuming duty about the 16th of
30 April and the Seaway opening about on the same date,



1 English

2 that you don't get ships up there until the 17th; and
3 so by the end of April certainly the pilots haven't
4 had too much to do.

5 Q. I just wanted to clarify this, that it
6 is a maximum of 18 days a year?

7 A. No, you can't clarify that. This is
8 only, as I said, last year -- this is what it was.
9 This year it could very well start on the 1st of May.

10 Q. So that then you would have 3 days a
11 month from May up to November inclusive?

12 A. Yes.

13 Q. And it wouldn't be for December to
14 April; is that correct?

15 A. No; normally the pilots are not
16 working in December. It is pretty hard to give them
17 time off when they are not working.

18 Q. Do you know whether additional pilots
19 were employed in the District to compensate for these
20 3 days off per month, or whether the work load was
21 just transferred to the others who were kept on duty,
22 in 1962?

23 A. When this was brought into force the
24 Department engaged four men in order that this would
25 be put into effect -- 4 Canadian retired pilots.

26 Q. Yes; you mean they were retired and
27 they were brought back?

28 A. They were brought back to perform this
29 extra duty.

30 However, this was found to be illegal under



1 English
2 the terms of the Joint International Agreement, and
3 we were forced to withdraw the temporary registration
4 of these men. However, this had the desired effect
5 of producing four more American pilots who were
6 registered at least temporarily and put to work in
7 the District to supplant the four men we had brought on.

8 Q. And are these four American pilots
9 still on duty? Are they still...

10 A. They remained on duty all season.

11 Q. To come back to the Port Weller pilot
12 boat, do you know whether any survey was made as to
13 the allegations of delays to ships due to the pilot
14 boat being busy elsewhere in the harbour?

15 A. Not to my knowledge.

16 Q. You stated that the claims for
17 expenses are reimbursed within a month. Would you say
18 that this is the rule?

19 A. At the present time I would say that
20 it is pretty close to it.

21 Q. Did you ever make any check as to
22 when the claims were sent to Ottawa and when the
23 cheque was received back for the same claim?

24 A. I believe I have. I don't know whether
25 I have any records on it or not. I believe I have at
26 one time or another done something like that.

27 However, I must say that conditions have
28 improved this year, and this has been the result of
29 constant advice or admonitions to the pilots that this
30 is the way these expense accounts must be made out;



1 English

2 and every pilot was given instructions on how to make
3 out an expense account in the spring.

4 I still get expense accounts which are not
5 properly written up. This causes delay.

6 Q. And then what do you do? Do you call
7 the pilot in and have it reworded, or reframed?

8 A. Well, that isn't always easy to do.
9 The pilot has gone.

10 Q. What do you do?

11 A. I can do this myself. For instance, I
12 will go through the dispatch book and see what ships
13 the pilot was on and I can follow the sequence to get
14 the picture. I do this personally to try and expedite
15 matters to keep peace in the family.

16 Q. Could it be that the situation has
17 improved not only because of the admonitions to the
18 pilots but because of the constant pressure put on
19 the Department by them to expedite the payment of
20 expenses?

21 A. It could be so.

22 MR. BRISSET: While we are on this subject,
23 may I request that a copy of the instructions to pilots
24 regarding the operation of their expense accounts be
25 filed. Could we have a sample?

26 THE WITNESS: I don't have one with me.
27 I could have brought one. It is an old chestnut now.

28 MR. LALONDE: Q. Now, you were asked
29 whether you had anything to do with the recruiting of
30 pilots in the District. I think you said No to that;



1 English

2 is that correct?

3 A. I haven't up to now.

4 Q. You said you sat in a competition for
5 recruiting pilots last year. Where was that?

6 A. In Toronto. This was a competition for
7 Lake Ontario; an examining board, perhaps I should say.

8 Q. That is, Lake pilots?

9 A. Yes.

10 Q. Were there any pilots in this District
11 sitting on that Board?

12 A. No.

13 Q. Were there any pilots from District No. 1
14 or any Lake pilots sitting on that Board?

15 A. No.

16 Q. Who was sitting on that Board?

17 A. There was Captain Atkins from Ottawa,
18 Captain Edwards from Cornwall and I.

19 Q I have a document here entitled "In-
20 structions and Information Regarding Completion of
21 Travelling Expense Claims." Are these the documents
22 which you referred to in your previous testimony and
23 which my learned friend, Mr. Brisset, asked for?

24 A. Yes; this is the document.

25 Q. Is this the document which was distributed
26 to the pilots?

27 A. They received this document.

28 Q. Were there others on the same subject?

29 A From time to time there have been
30 notices drawing their attention to certain....



English

Q. But I am referring to rules as to how they should fill in their expense claims?

A. Yes; that covers it. I think that is the general rule.

MR. LALONDE: We will identify this as Exhibit 1015. It is entitled "Instructions and Information regarding Completion of Travelling Expense Claims."

--- EXHIBIT 1015: Document entitled "Instructions and Information regarding Completion of Travelling Expense Claims."

THE CHAIRMAN: Is there any advance given to the pilots -- advance disbursement given to the pilots?

THE WITNESS: At the start of the season each of the pilots is given a \$100 dollar travelling advance cheque, and at the end of the season this \$100 is deducted from his pay.



1 English

2 Q. This is provided for? This
3 Commission that sat in Toronto, do you know under
4 what rules it sat?

5 A. This was a public service
6 competition.

7 Q. A what?

8 A. A competition which was advertised
9 in the newspaper in the normal way.

10 Q. Yes. I am just referring now to
11 whether you know under what regulations that Board
12 sat, as to its composition, as to the type of
13 questions which would be asked, as to the procedure
14 which would be followed for advertising in the papers,
15 and all that?

16 A. I'm afraid I couldn't give you
17 the routine on that.

18 Q. You said that the pilots don't
19 work after December 1st in the District; is that
20 correct? Is that what you said?

21 A. This year they worked -- they
22 were on the regular tour de roll until the 5th this
23 year, but other years they have terminated at midnight
24 on the 30th of November.

25 Q. Isn't it a fact you have certain
26 ships travelling in this District and using pilots
27 after December 1st?

28 A. That is right.

29 Q. And isn't it a fact last year
30 even after December 5 you had ships travelling in the



1 English

2 District?

3 A. That is right.

4 Q. I understand that the pilots after
5 December 1st or December 5th become free entrepreneurs;
6 is that correct?

7 A. That is correct.

8 MR. JACQUES: I would not agree
9 with you on that.

10 Q. Do you dispatch them?

11 A. Yes, we do.

12 Q. I used the expression "free
13 entrepreneurs" in the sense that they are being paid
14 for the trip they make.

15 A. They pay their own expenses and
16 they receive the pilotage.

17 Q. They receive the pilotage? Have
18 you experienced any difficulty with this system?

19 A. Well --

20 Q. Or greater difficulties than with
21 the system you have during the year?

22 A I don't think so. I think by that
23 time of the year everybody is happy.

24 Q. You are aware that ships are, and
25 I do not know whether I should say required or
26 requested, to have accommodation ladders in this
27 District?

28 A. That is right.

29 Q. I am showing you two Notices to
30 Mariners, #86 and #117 of 1961. #86, dated May 8th,



1 English

2 1961, declared that "In order to facilitate the
3 boarding of pilots in the St. Lawrence River and the
4 Great Lakes, vessels are required" -- required, I
5 note -- "to provide an accommodation ladder", etc.

6 Notice #117 of June 8th, 1961 reads:
7 "In order to facilitate the boarding of pilots in
8 the St. Lawrence River and the Great Lakes, vessels
9 are requested to provide an accommodation ladder", etc.

10 Do you know any reason why they
11 have had an additional Notice to Mariners which
12 changed this from requiring to requesting?

13 A. Possibly the legal branch has
14 advised the people who publish the Notice to Mariners
15 they couldn't do that.

16 Q. But you don't have any personal know-
17 ledge of why they changed it?

18 A. No, but I know it is repeated
19 every year.

20 Q. Requesting or requiring?

21 A. I think it says request now.

22 Q. If you were to comment generally
23 about the status of discipline in the District by
24 the pilots themselves in the sense of their general
25 behaviour would you say you have difficulty with
26 discipline or that they are well-behaved?

27 A. Well, pilots are all mature men.
28 Most of them have been ship Masters.

29 Q. Yes?

30 A. They certainly have their own



1 English

2 opinions which I consider they are entitled to. I
3 endeavour to treat them with respect. I also take
4 into account that there are times when they are
5 tired, and by and large I don't know of any pilot
6 that I would consider a malicious intellect. I
7 think they resent discipline, and there is very little
8 discipline really applied as such. That is probably
9 a natural thing we all have.

10 Q. Are there other things which you
11 found they have resented?

12 A. Yes, well let us say they resent
13 the fact that they are employees. Let us put it that
14 way. Some of them do and some of them don't. Some
15 are quite happy and some are not satisfied with that.
16 Naturally they resent then some directives which
17 they are obliged to comply with, some working
18 conditions, and of course it is always wonderful to
19 have that nebulous "they" which is referring to the
20 government, to blame most of their ills on.

21 Q. Have you had an opportunity of
22 commenting on the morale of the pilots in the course
23 of last year, for instance?

24 A. This is a very difficult thing
25 to assess actual morale. It is sort of the old saying
26 that troops and sailors enjoy being unhappy. I
27 sometimes suspect this could be the case with the
28 pilots. I think most of them really like their jobs.

29 Q. Now, did you have an opportunity
30 to assess whether they had any cause for blaming the



1 English

2 government for some of their ills?

3 A. Primarily I would say that a
4 good deal of dissent could be caused by a lack of
5 understanding of the problems of government. Believe
6 me, I don't intend to give the impression that I do,
7 but I understand a little bit more by contact with
8 my superiors and watching the operation float by.

9 I think that due to this mis-
10 understanding of the fact that there are so many
11 things to be processed in Ottawa, that sometimes
12 a small group who have one thing in their mind,
13 cannot understand why they don't get an immediate
14 answer or reaction to what to them appears a perfectly
15 sensible proposition, whereas the government must
16 assess what ramifications may occur from coast to
17 coast or some such thing, and the normal process of
18 getting paper processed.

19 MR. LALONDE: I have no further
20 questions, My Lord, except for questions which might
21 come out of documents which the witness is to bring
22 out later.

23 MR. JACQUES: I have several
24 questions. I am willing to start now if Your Lordship
25 pleases.

26 THE CHAIRMAN: All right.

27 RE-DIRECT EXAMINATION BY MR. JACQUES:

28 Q. Would you turn to page 6 of your
29 operating and dispatching instructions which came
30 rather unawares yesterday, and turn to section 4 of the



1 English

2 Appendix contained on page 6? The section reads
3 as follows: "A pilot may, following a reprimand, be
4 suspended by the Supervisor for a period not exceeding
5 seven calendar days" etc.

6 In the disciplinary cases which you
7 referred to yesterday, had there been a prior
8 reprimand, say, in the case of the pilot with the
9 swollen ankles, and the case of the pilot who had
10 been found inebriated on board ship?

11 A. No.

12 Q. They had not been? They were
13 suspended immediately although there had not been
14 prior reprimands or prior warning?

15 Now, this pamphlet refers to the
16 Supervisor. Would you tell me who the Supervisor is,
17 please, in this District?

18 A. I am that party. There is no one
19 else.

20 Q. You consider yourself the Super-
21 visor? Have you any delegation of authority from
22 the Minister to exercise disciplinary powers over
23 pilots?

24 A. Well, I have a set of instructions
25 there laying out procedure.

26 Q. Do you have that set of instructions
27 with you?

28 A. No, I don't.

29 Q. Will you bring it this afternoon
30 with you, please? Now, again the case of the pilot



English

with the swollen feet, would you check on the hour he first requested a relief? He was relieved at 1800. He had boarded the ship at ten o'clock the previous night, and he had been in Lock 1, I believe, at 3:30 in the morning.

Presumably he was on the bridge on and off from 3:30 in the morning until 1800, and I would like to know when he requested a pilot. Did he request a pilot at five o'clock in the morning or did he request it at 5:00 P.M.? I want to establish how long he had been on duty when he first requested a relief.

A. Well, he could request a relief any time after twelve o'clock noon.

Q. That is what I should like to ascertain, when he requested the relief. Would your file reveal at what time the vessel was tied up? You say the pilot left the ship at 1800, but the vessel may have tied up at three o'clock in the afternoon for all I know.

Since the pilot alleged that he was sick, ill, after he had seen you -- anyway, you said, I believe, that he told you that he had swollen ankles -- would you tell the Commission whether this pilot had a previous record of illness or considerable fatigue or swollen ankles. Do you recall if he had complained prior to that occasion of similar illness?

A. No, I don't recall. However, I might add that this is not an uncommon complaint with



1 English

2 ship Masters.

3 Q. Which, swollen ankles?

4 A. Yes, and barbers and dentists.

5 Q. What is that?

6 A. Swollen ankles.

7 Q. Have you yourself suffered swollen
8 ankles when you were a Master?

9 A. Yes.

10 Q. Have you seen a doctor about it
11 to ascertain the cause and the possible remedy?

12 A. I knew what the cause was. I
13 didn't have to see a doctor.

14 Q. What was the cause?

15 A. I was on my feet too long.

16 Q. And when you suffered that illness,
17 what measures did you take to relieve the pain, if
18 it is painful? Is it painful?

19 A. It is painful, yes.

20 Q. What measures did you take when
21 you were a Master to relieve pain or cure that?

22 A. Well, I went to bed whenever I
23 could, and I couldn't go to bed until I had my job
24 done.

25 Q. Since you have been in office have
26 there been any other complaints of swollen ankles on
27 the part of pilots which were brought to your attention
28 which form the basis --

29 A. Somebody might have mentioned, "My
30 ankles were swollen up today", and I said, "Yes, I have



1 English

2 headache too", but nothing -- I don't recall really
3 anything official about them.

4 Q. As I say, which would form the
5 basis for a request for a relief. Do you recall any?

6 A. No, I don't recall any.

7 THE CHAIRMAN: We will adjourn now
8 until 2:30.

9 ---NOON ADJOURNMENT.

10

11

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1 English

2 MR. JACQUES: My Lord, we finally
3 established that Chart 2400 had not been filed as an
4 exhibit and we should now like to file it as Exhibit
5 number?

6 THE SECRETARY: 1016.

7
8 --- EXHIBIT No. 1016: Chart 2400,

9 MR. JACQUES: Q. To finish up with the
10 pilot with swollen ankles, would you refer to your
11 report of June 25th to the superintendent of pilotage
12 in Ottawa? Do you have that copy?

13 A. No, I do not have that copy.

14 MR. JACQUES: I should like to file it
15 as Exhibit 1017.

16 THE SECRETARY: May I have the description
17 again of 1017?

18 MR. JACQUES: Report of the supervising
19 pilot Port Weller/Sarnia area to the superintendent
20 of pilotage with respect to ---

21 MR. LALONDE: I have no objection to
22 mentioning the name of the pilot concerned. The pilot
23 will be called as a witness anyway.

24 MR. JACQUES: " C.E. Cote.

25 --- EXHIBIT 1017: Report of supervising pilot
26 Port Weller/Sarnia area to
the Superintendent of pilotage.

27 MR. JACQUES: Q. With respect to this
28 matter I gather from your report that the incident
29 occurred on June 23rd; is that correct -- or June 24th?

30 A. Yes. He was actually started on



1 English

2 June 23rd.

3 Q. So the incident would have occurred on
4 June 24th; is that correct?

5 A. Yes.

6 Q. Mention is made that he was called
7 before you the following morning, which would be June
8 25th. Mention was made in the evidence, I should
9 say, not in your report. Is that correct?

10 A. That is correct, yes.

11 Q. So the pilot appeared before you on
12 June 25th and you said that by the time he appeared
13 before you you had already phoned Ottawa and made
14 them aware of the problem; is that correct?

15 A. Yes. This was not the first time
16 that he was in the office;

17 Q. Oh, I see. It was also stated that
18 after you had phoned Ottawa about the matter the pilot
19 told you then that he had swollen ankles. That is
20 my recollection of the evidence which was given?

21 A. That is my recollection of the situation
22 too.

23 Q. And your report was written on June 25th?

24 A. That is correct.

25 Q. Do you recall if you wrote your report
26 before you saw the pilot or afterwards?

27 A. I do not recall exactly just when I
28 wrote the report. However, I would like to say that
29 the occasion created an incident which I interpreted in
30 my judgment in my position as a director to affront the



1 English

2 authority of the Pilotage Dispatching Authority.

3 This was the precedent which I hoped to avoid. I am
4 certain in my own mind that had this incident been
5 tolerated there would have been considerably more
6 like incidents.

7 Q. I see. You just said you considered
8 that this was an affront to the dispatching authority.
9 I am not saying that this was a personal affront, but
10 this was against the dispatching authority. What
11 led you to believe that this was so?

12 A. Because the communication between the
13 pilot and the pilot office was being carried on over
14 radio telephone -- you might ^{say} public -- and that the
15 pilot had been informed once by the dispatcher that
16 there was no relief available. Therefore there was
17 no point in him continually telling the dispatcher that
18 he was going to be relieved or else -- either be
19 relieved or tie the ship up.

20 Q. This was reported to you afterwards?

21 A. This was the report the dispatcher
22 gave to me.

23 Q. You did not actually hear the conversation
24 between the pilot and the dispatcher?

25 A. I did not hear the conversation, no.

26 Q. When you wrote that report you entitled
27 it "Mooring of Ships in Transit Because of Fatigue".
28 I am just wondering whether this symptom of swollen
29 ankles was considered by you as fatigue or as illness?
30



1 English

2 You mention that you had experience with swollen
3 ankles and this was something that was familiar to
4 masters on ships.

5 A. Of course I was not aware of this when
6 the incident first occurred. This may or may not have
7 been an afterthought on the part of the pilot. I
8 did not examine him. I am not a doctor; it is not
9 my position to do this. However, this was in my
10 judgment the fact -- that the broadcast with the
11 threat of tying up the ship was made several times
12 and that there could not be any purpose served because
13 the dispatcher could not conjure a pilot up out of the
14 air. He did not have a relief until after the time
15 when the relief would be required. That was a fact.
16 The dispatcher would have no reason to tell the pilot
17 anything different from that.

18 So, as I stated, I considered the continual
19 broadcasting of this threat constituted a threat to
20 the authority of the dispatching system.

21 Q. Do you recall if your dispatcher
22 reported to you that the pilot had said that he was
23 ill?

24 A. No. My earliest information did not
25 concern illness. It was fatigue or exhaustion.

26 MR. JACQUES: Thank you.

27 MR. LALONDE: While we are on this
28 subject, Captain, I think you stated yesterday that
29 the pilot had requested reliefs two or three times.
30 That is the note I have here. Do you remember having



1 English

2 said that?

3 THE WITNESS: Yes.

4 MR. LALONDE: Would you call this
5 continuous calls for relief, as you have just said?

6 THE WITNESS: Well, I said two or three
7 times. I do not really know how many times he called,
8 but I know he called several times.

9 MR. LALONDE: Now you would like to change,
10 your evidence to more than two or three times?

11 THE WITNESS: Well...

12 MR. LALONDE: Or is it that you just do
13 not know?

14 THE WITNESS: I think that he called four
15 times.

16 MR. LALONDE: You stated this morning that
17 the dispatcher had not in fact called any pilot for
18 the relief because he felt the other fellow did not
19 have his 12 hours yet; is that correct?

20 THE WITNESS: That is correct, yes.

21 MR. LALONDE: To your knowledge has
22 any pilot ever refused to replace a pilot who was sick
23 aboard ship or felt unable to proceed when requested by
24 the dispatchers even though they did not have their
25 12 hours?

26 THE WITNESS: Not to my knowledge when the
27 request was to relieve someone who was sick. This is
28 a generally understood operation.

29 MR. LALONDE: Thank you.

30 MR. JACQUES: Q. Would you turn to page 6



English

of Exhibit 1012, please? This is the appendix
entitled Disciplinary Procedures. Did you draft
this section of the exhibit yourself?

A. No.

Q. It was not drafted by you?

A. No.

Q. You have prepared a list of retirements
and deaths in District No. 2 from April 1st, 1960 to
December, 1963. I should like to file this document
as Exhibit?

THE SECRETARY: Exhibit 1018.

--- EXHIBIT 1018: List of retirements and
deaths in District No. 2,
April 1, 1960 to December, 1963.

MR. JACQUES: Q. Would you tell me why
you chose the date April 1st, 1960?

A. Because that is the date that I was
appointed to the job.

Q. I see. You have indicated the
name, age, retirement date or date of death and also
in the case of death, the cause. You have listed
"heart attack, liver disease, cancer" etc. Where
did you obtain this information as to the cause of death?

A. Well, common knowledge, let us say.
I do not have a doctor's certificate or a death
certificate. I did not have access to it. I think
it is general knowledge.

Q. This concerns only Canadian pilots,
does it not?



1 English

2 A. Yes, that is correct.

3 Q. In the cases of retirements would you
4 have the reasons for retirement in your file?

5 A. Well, of course, there have been six
6 retired, seven retired ---

7 Q. I count eight retired.

8 A. Eight retired because they attained the
9 age of 65 and under the terms of our agreement with the
10 United States at the age of 65 we must retire our
11 pilots in order that the parity may be reached between
12 the two countries by the year 1965.

13 Q. And you have four who have resigned.
14 One transferred to Toronto; among the other three the
15 mention is made "nerves", "too nervous". How did
16 you ascertain the cause of this resignation?

17 A. Well, usually by an indication of the
18 pilot himself.

19 Q. You were told that by the pilot?

20 A. Yes, and letters of resignation.

21 Q. You have also prepared for 1963 a
22 statement of wages paid by the Department of Transport
23 to ships' pilots during the navigation season. Is
24 this the document which you prepared?

25 A. This was obtained from the central pay
26 office. I did not prepare this but this was obtained.

27 Q. You obtained the information?

28 A. Yes. We do not make up pay in our
29 office.

30 Q. I see, but you obtained the information



1 English

2 and you prepared this document -- that is, you reproduced
3 the information on this document?

4 A. No. This was given to me. This was
5 produced here. We did not produce it, nor is it my
6 document.

7 Q. I see. It was not prepared by you,
8 just supplied to you?

9 A. That is right.

10 MR. JACQUES: I would like to file this
11 document as Exhibit 1019.

12 --- EXHIBIT 1019: Wages paid by the Department
13 of Transport to ships' pilots
14 for the 1963 navigation season.

15 MR. JACQUES: Q. Are these official
16 figures from the Department?

17 A. Yes.

18 Q. Would you know what is the annual
19 salary of the pilots?

20 A. Well, we estimate that if a pilot is
21 operating a full normal season of 8 months, it is
22 simply eight times 1380, which amounts to \$11,040 a
23 year.

24 Q. I see, \$11,040 a year. Would you know
25 why most of these are over \$11,040 a year for the whole
26 year?

27 A. Last season, of course, we were five days
28 later terminating than we had been previous years.
29 This is with their accumulated holiday pay and annual
30 leave. This usually brings them up to about the



English

115th, but in this case they were paid some up to
-- it says 303 pilots went off pay on December 25th
and there were various dates that others went off pay.
But they were all on pay in excess of the half month,
which meant that they received more than eight months'
salary.

Q. I see. I believe that you have
prepared this document entitled "Pilots' Supplementary
Earnings," which I should like to file as Exhibit 1020.

--- EXHIBIT 1020: Pilots' Supplementary Earnings.

Q. Did you yourself prepare this document?

A. No, I did not prepare the document.

I had the accountant extract this from the ledgers.

Q. I see. This document contains the
pilots' names and the next column is "1962 post season."
In 1962 was there a pre-season?

A. Yes, there was.

Q. Would you know if the 1962 pre-season
figures would be available?

A. Yes, they would be available.



English

Q. And 1963 contains the pre-and post-season?

A. Yes.

Q. And the amounts inserted on this document would be the amounts of pilotage dues earned individually after the pilots are off the tour de roll?

A. Yes, that is correct.

MR. LALONDE: I understand no allowance was made for expenses on these supplementary earnings, however. Is that correct?

THE WITNESS: That is just the money we gave them, yes.

MR. LALONDE: And they have to pay their own expenses?

THE WITNESS: That is correct.

MR. JACQUES: Q. As regards these foreign flag ships or foreign flag lakers or domestic ships, whatever you may wish to call them, trading on the lakes, have you ever received any instructions from the authorities in Ottawa with regard to these ships?

A. I have just been advised -- they have been registered, and in a couple of cases I have been advised that they had transferred to Canadian registry.

Q. But you were not advised to ensure that they took pilots in the designated waters, or to



1 English

2 report them to Ottawa if they did not?

3 A. I don't think that I had specific
4 instructions. However, since they were British
5 flag ships they were supposed to know that.

6 Q. I see. Do you know what sort of
7 crews manned these ships? Do you know if they are
8 Canadian?

9 A. These ships are manned by Canadian
10 lake crews and Masters -- officers. They are the
11 same in every respect as our own domestic ships
12 except they are registered in the British and foreign
13 registries.

14 Q. Did you know personally some of
15 the Masters of these ships?

16 A. I know quite a few of them, I
17 think.

18 Q. Of the foreign flag domestic
19 ships?

20 A. Yes, I did know quite a few of
21 them anyway.

22 Q. From what you know of them, were
23 they as competent and as familiar with the Great Lakes
24 area as the Masters of Canadian flag domestic ships?

25 A. The same people.

26 Q. As regards your leave system of
27 three days a month, is it supposed to be three days
28 a month, or a fixed number of days a month?

29 A. Three days a month, but not
30 necessarily per calendar month. Three days, let us say,



1 English

2 within a 30 or 31 day interval. We tried to work it
3 that way.

4 Q. Is this applicable to the American
5 pilots?

6 A. This is only if they elect to do
7 so. There is no fixed or compulsory system with the
8 American pilots. Some of them take time off and some
9 don't.

10 Q. Would you have an idea of the
11 number who do and the number who don't?

12 A. No, I don't.

13 Q. And is it compulsory for Canadians
14 to take the three days off?

15 A. Well, I wouldn't say it is
16 compulsory, but I have never had to throw anybody out.

17 Q. Now, the learned counsel for the
18 pilots has commented on the fact that you did not
19 consult his clients before drafting rules or before
20 submitting rules to Ottawa. If you had wished to
21 consult organizations, how many organizations would
22 you have been obliged to consult in order to cover
23 all the pilots in this District?

24 A. Well, I would have to consult
25 two organizations of which I know, and some disorganized
26 or unorganized, whatever the term may be; and there
27 might have been another organization, too, that I don't
28 know about, or is probably not very active. I don't
29 know what influence the Canadian Merchant Service
30 Guild might have in the District; there may be some



1 English

2 adherents. I know some pilots who belong to one
3 organization and I know of some who don't belong to
4 any and some that belong to everything.

5 Q. Both the organized and the
6 unorganized. Now, were you ever told officially by
7 these organizations that ^{they} represented a particular
8 group of pilots, and were you told the membership?

9 A. No. I am aware and I know that
10 these organizations exist and they tell me who they
11 are and I know they are there; but I have never tried
12 to find out how many each organization has. I have
13 avoided soliciting any information about the organi-
14 zations.

15 Q. Were you ever requested by any
16 of these organizations to discuss working rules or
17 matters pertaining to their work in the District here?
18 In other words, did someone suggest to you, "Well,
19 let us establish a sort of formal channel or pre-set
20 channel of communication between you and our organi-
21 zation"?

22 A. No, I don't think that existed
23 just exactly in a formal way.

24 As I said before, I have discussed
25 proposed changes, or proposed rules with the officers
26 or members of different groups. I have, in the course
27 of general conversation, solicited opinions on certain
28 conditions.

29 Q. But you were never approached by
30 an organization in order to set up -- I don't know --



1 English

2 a grievance committee of some kind, or a rules
3 committee of some kind, including yourself and
4 perhaps some of your staff and representatives of
5 the pilots?

6 A. No, I don't believe that has ever
7 occurred. I think the pilots have preferred to go
8 to Ottawa. I think this is the preference that they
9 have; they like to talk to the top.

10 MR. LALONDE: Isn't it a fact that
11 in 1962 you were invited by the Corporation of
12 Professional Great Lakes Pilots to attend a general
13 meeting at which I was present myself and at which
14 you were present and at which you were answering
15 questions and being ...

16 THE WITNESS: Oh, yes, I was there;
17 and I also have been at meetings of the Civil Service
18 Association.

19 MR. LALONDE: Yes.

20 THE WITNESS: In fact, they used
21 to invite me to their terminal meeting at the end of
22 the season. And on such occasions as that there were
23 discussions came up. However, I don't consider them
24 to be a formal meeting for the express purpose of
25 drafting regulations or working conditions.

26 MR. LALONDE: And isn't it a fact
27 also that you had such meetings with Captain Stevenson
28 during the course of the last few years about problems
29 of the District?

30 THE WITNESS: Yes.



1 English

2 MR. LALONDE: And did Captain
3 Stevenson indicate to you that he was acting as
4 President of the Corporation?

5 THE WITNESS: It could be that he
6 did. However, our relations were not too formal,
7 let us say; we discussed things, I think, amiably,
8 if he had complaints or some thing that he wished
9 to bring up.

10 MR. LALONDE: And all that time
11 were you under the impression that he was coming
12 along and speaking only for himself?

13 THE WITNESS: No, I wouldn't say
14 that, no.

15 MR. LALONDE: Thank you.

16 MR. JACQUES: Q. With reference to
17 Exhibit 1012, it covers "source forms", "assignment
18 to duties", "removal of pilots", "pilots' reports",
19 "use of liquor", "pilots' unavailability".....

20 A. May I just return for a moment
21 to Mr. Lalonde?

22 Q. Yes, certainly.

23 A. I wish to enlarge on that question.
24 I recall ~~that~~ Captain Stevenson
25 did sometimes come to my office specifically on behalf
26 of members of his organization.

27 MR. LALONDE: Thank you.

28 MR. JACQUES: Q. Would this Exhibit
29 be applicable to American pilots when they are within
30



1 English

2 your District?

3 A. Well, only in a general operational
4 way.

5 Q. Would you give examples of this?
6 Would the section concerning "source forms" be
7 applicable?

8 A. Yes.

9 Q. "Assignment to duty"?

10 A. The same thing, yes.

11 Q. "Removal of pilots"?

12 A. Well, this did not apply at this
13 time completely. We had to make special rules or,
14 let us say, we did not impose the Canadian rules on
15 the American pilots.

16 Q. I see. Then, the section
17 concerning "pilots' reports"?

18 A. Yes, that should be the same.

19 Q. "Use of liquor or drugs"?

20 A. Generally that would be accepted,
21 I think, by both parties.

22 Q. But you would not take action
23 against American pilots under that section there, I
24 understand?

25 A. Well, I would not attempt any
26 disciplinary action, but, of course, we would not
27 dispatch an American pilot if he had drink taken.

28 Q. And "orders for pilots"?

29 A. Well, yes.

30 Q. And the next one, "pilots' unavail-



1 English

2 ability"?

3 A. At a time there was a difference
4 in the unavailability. This difference was caused
5 by the difference in method of payment; so that the
6 American pilots' philosophy was, of course, that the
7 only way a man could be penalized for missing his
8 turn would be to put him at the bottom of the tour
9 de roll or the assignment list; whereas a Canadian
10 pilot would lose a day's pay. Since the American
11 pilots were not under a daily payment that is the
12 only way they could lose, would be by losing a turn.

13 We felt at one time that this --
14 of course, we are going back to these rules for
15 1962 -- that if one of our pilots was unavailable,
16 when he came back he should go to the top of the
17 list and be first out; and the American system was
18 to put him at the bottom of the list. This also had
19 to do with, at that time, calculation of revenues
20 in the District. A share of the revenue was based
21 on the number of effective pilot days.

22 This, of course, has been changed
23 again so that would probably indicate why these rules
24 have been in a constant state of change; because the
25 financial set-up has been changing almost every year,
26 and finances, of course, affect the American pilots
27 and we had to give that consideration.

28 Q. Now, to give us an example, could
29 it happen that an American pilot would be in Port
30 Weller waiting for a ship?



English

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A. Could it happen?

Q. Yes.

A. It happens; that is the regular procedure.

Q. Yes. Now, to continue the example, if you had to call this pilot, or if your dispatcher were to call this pilot and if he were to give you the same answer as one Canadian pilot gave, that he wasn't ready just now to take the ship but that he would be quite happy to do it at four o'clock in the morning, would the rule concerning the removal of the name of the pilot from the assignment list apply?

A. The same condition applies to both Canadian and American pilots. If a pilot is unavailable he is unavailable for 24 hours. This is what we intend to do, and this is what we try to do.

Q. And the other section concerning "position and movement of pilots" and "discipline of pilots" -- would that be applicable also to the Americans?

A. Yes, correct.

Q. It would be?

A. Yes.

Q. And is there any agreement or understanding between the two authorities as regards disciplinary measures? By that I mean not so much a matter of jurisdiction, because we were told that in cases of breach or violation of regulations by an



1 English

2 American in Canada, matters have been referred to the
3 American authorities --

4 A. That is right.

5 Q. -- but on the scale of punishment?

6 A. The scale of punishment?

7 Q. You have a scale -- warning;
8 reprimand, suspension, dismissal?

9 A. I am not completely familiar with
10 the American procedure. I believe they have a
11 committee of pilots which sits in judgment on these
12 cases; probably this is a disciplinary committee.
13 However, they also have their final authority, the
14 Great Lakes Pilotage Administration -- and they, in
15 some cases, will not renew a pilot's registration.
16 This has occurred.

17 Q. Now, this Exhibit 1012, you say,
18 was prepared partly by you and submitted to Ottawa
19 and then returned to you in its present shape and
20 form; is that correct?

21 A. That is correct.

22 Q. Was it submitted to the American
23 pilots before it was brought into force?

24 A. Yes, I suppose you would call it
25 that. It was submitted -- or at least it was read
26 to them, and that is about as far as --

27 Q. Read to whom?

28 A. The American pilots.

29 Q. To the American pilots?

30 A. Yes.



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1 English

2 Q. Who read it to them?

3 A. Captain Bender read it to them at
4 a meeting of American pilots at Port Huron.

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1 English

2 Q. It was not only the American Pilotage
3 Authority, but the American pilots themselves?

4 A. That is correct.

5 Q. You have a radio telephone now in your
6 office, have you not?

7 A. Yes.

8 Q. When was it installed?

9 A. I think about September 1962, I believe.

10 Q. And is it used solely for pilotage
11 business?

12 A. Well, to use the term broadly, yes,
13 but not exactly.

14 Q. What do you mean?

15 A Well, it is used of course to contact
16 ships, and to contact pilots on pilotage business.
17 It is also used to order taxis and call pilots' wives
18 and advise them when to put the kettle on. Maybe to
19 order ice cream. One thing and another which is contrary
20 to regulations, but it is pretty hard to shut the
21 machine off when it is operated from the other end.

22 MR. JACQUES: Thank you, sir.

23 COMMISSIONER SMITH: I would like to get
24 something a little clear in my mind about some piloting
25 that is done, as I understand it, and be sure and
26 interrupt and correct me if I am misstating anything.
27 After the Seaway system is closed I think you gave some
28 evidence to the effect that pilotage was done, pilots
29 paid their own expenses, and they collected the pilotage
30 impost; is that correct?



1 English

2 THE WITNESS: That is correct.

3 COMMISSIONER SMITH: Does Ottawa approve
4 of that. Does it require any official approval or
5 how is that done?

6 THE WITNESS: Well, this was thought
7 to be the best system to operate because prior to this,
8 the last couple of years, there was little or no
9 pilotage involved after the 30th of November. I
10 think this is the first year that ships have
11 been allowed to stay in the Seaway system beyond the
12 30th of November. There might be a very occasional
13 ship that was delayed because of suffering an accident
14 or extremely inclement weather, and there might be
15 still ships coming down because the Welland Canal
16 remains open until the 15th of December and the Lower
17 Seaway closed on the 30th of November, so there
18 still was a little bit of traffic up here, and
19 occasionally we had ships.

20 This is when we first started this. It
21 was thought it would be expensive and wasteful to
22 retain 50 pilots on strength to handle possibly two
23 or three jobs. It was decided that we would close
24 our books then and handle it in this way; there were
25 always pilots living in the District that were available.
26 They were registered to do pilotage duty, and this
27 seemed to be the most economical and sensible way to
28 do it, and this was done with the approval of the
29 authorities in Ottawa.

30 COMMISSIONER SMITH: And these pilotage



English

movements would only be occasional ones, would they?

THE WITNESS: That is the way it started out. There is a little more business now because this last couple of years there have been more ships which are in the domestic trade with British registry, foreign registry ships, and they require pilots.

We now have 18 such ships, and they of course are in the domestic trade. They are in the Canal quite a bit, so we have more traffic now than we had when we first started this plan.

We estimate now how long we think we would need them. This year we retained pilots until the 5th of December. We kept the entire lot of pilots on.

COMMISSIONER SMITH: On the tour de roll?

THE WITNESS: On the tour de roll until the 5th of December this year. We still had pilotage movements until about the 15th of December, but very scattered, and the revenues would certainly not be ---

COMMISSIONER SMITH: It would not be very substantial, the revenue?

THE WITNESS: No, the revenue would be very small compared to the cost of maintaining the full roster of pilots.

COMMISSIONER SMITH: Whatever the revenue is, all of it goes to the pilots who do the piloting?

THE WITNESS: That is correct.

COMMISSIONER SMITH: And that of course is



English

on top of their regular pay?

THE WITNESS: Yes, that is correct.

COMMISSIONER SMITH: I think that is all,
thank you, Captain.

THE CHAIRMAN: This extra piloting is
done only in the Welland Canal or on restricted
waters?

THE WITNESS: This covers the entire
District because ships still go up through the Lakehead
late in the season, and they come down from the Lakehead
and winter in Toronto or Prescott. It applies
throughout the entire District.

RE-CROSS-EXAMINATION BY MR. LALONDE:

Q. You said that the number of foreign
registry Lake ships has increased. Has it increased
since May 1961, for instance? During the last three
years?

A. May 1961? I am quite sure that it has,
yes.

Q. It has increased? This would be in
spite of the fact that these ships, comparatively to the
other lake ships, whether Canadian or American, have
to take pilots and pay pilotage dues all over the Great
Lakes?

A. Yes.

THE CHAIRMAN: That was almost argument.



English

CROSS-EXAMINATION BY MR. BRISSET:

Q. You still have to go through with me, and I hope I won't be very long. You told us, Captain, of your past experience and said you had been acting as master on lake vessels. I take it these lake vessels were canallers?

A. That is correct.

Q. What companies were you serving with at the time as an officer?

A. Well, the last company I was with was with Hindman Transportation Company.

Q. Is this the same company that has lake vessels under British registry at the moment?

A. Yes, they have some of each.

Q. Now, when you were acting as master on these lake vessels, you were trading all over the lakes?

A. That is right.

Q. So you had considerable experience, not only within your District No. 2, but also elsewhere on the lakes?

A. That is right.

Q. When you were acting as a pilot, in what District were you so acting?

A. Well, I just did a little piloting briefly here in this District, and that only in a matter of relief. I never was a pilot as such.

Q. You told us, Captain, of your staff here in the office. I just want to go over this



1 English

2 briefly. You have four dispatchers that are seasonal
3 employees I take it?

4 A. That is right.

5 Q. You have an accountant? Is he
6 seasonal or all year round?

7 A. He is year round.

8 Q. You also have a typist?

9 A Year round.

10 Q. Do you have an assistant accountant?

11 A. No.

12 Q. Does the typist render services in
13 assisting the accountant?

14 A. Assists in some general office duties.
15 I don't think she does any accounting.

16 Q. Do you have an office boy too?

17 A. No.

18 Q. Wasn't there one at one time?

19 A. No.

20 Q That is the whole of your staff that
21 I have now covered; is that correct?

22 A. That is correct.

23 Q. You have told us that there were
24 60 pilots in your district. Does that include the
25 six trans-lake pilots or not?

26 A. No.

27 Q. So the six trans-lake pilots are
28 in addition to the 60?

29 A. That is correct.
30



1 English.

2 Q. Now, Captain, have you had any
3 experience in the type of function that you are now
4 discharging prior to taking over in 1960 as supervisor
5 of pilots?

6 A. No, I had nothing to do with pilotage
7 prior.

8 Q. There was already an existing
9 organization at that time in District No. 2?

10 A. Well then there was, I am sure there
11 was. However, it didn't affect my case any. I sat
12 for a competition, I think it was on the 28th of March,
13 29th of March, and I was informed that I would likely
14 be the successful candidate, and I went home and told
15 my owners I was not going to be with them beyond the
16 1st of April, and I arrived down here on the 1st of
17 April and went around and found the keys for the office
18 and got some benches to sit on, and I met the four
19 dispatchers that had been selected by competition,
20 and the accountant who had been selected the same way,
21 and we all shook hands and went in the door and started
22 looking around what to do.

23 Q. In other words, you started from scratch;
24 is that what you want to tell me?

25 A. That is correct, yes.

26 Q. You didn't think it important or of
27 any benefit to study how the previous organization
28 was working?

29 A. Well, I had nothing to study from that I
30 know of at the time. Also I had other things to do.



1 English

2 We had matters of personnel to arrange. As far as
3 I know I started out from scratch and planned everything,
4 and the best I could, and we had to make preparations
5 for the pilots coming in, medically examined, the
6 whole bit.

7 Q. I want to go back a minute, Captain,
8 to the working rules you have been speaking of. I
9 am thinking of the operating and the dispatching rules.
10 Exhibit 1012 is a booklet of instructions published
11 on March 15, 1962. These were revised towards the
12 end of 1962 and were not distributed to the pilots.

13 Am I right in assuming in 1963 you were
14 operating under the new revised rules, changed thereafter
15 from time to time; is that correct?

16 A. That would be substantially correct, yes.

17 Q. Even though you did not communicate the
18 rules to the pilots, am I right in understanding or
19 in assuming that the dispatchers were aware of what the
20 new rules were?

21 A. They have a copy of the dispatching rules
22 and other instructions in a folder on their desk.

23 Q. When you say they had a copy of the
24 rules, and I am speaking for 1963 now, they had a
25 copy of the new rules as revised by the end of 1962?

26 A. I couldn't swear that they have one
27 there. I presume they have. However, they have
28 chiefly instructions from me where I have to enlarge
29 or explain the rules and so on.

30 Q. I am coming to that. You have four



1 English

2 dispatchers. I assume that you have briefed them?

3 A. That is correct.

4 Q. How they should fulfil their duties.

5 I take it that is done?

6 A. That is done and also from time to time
7 I have to amplify certain rules. I have to bring the
8 rules to their attention if they happen to stray from
9 them.

10 Q. In your briefing of the dispatchers,
11 are there some important rules or I would say cardinal
12 rules that you would bring especially to their attention?

13 A. Well, the cardinal rules are -- of
14 course the first is be sure to call the first pilot
15 for the first ship. This is the first great sin of
16 omission if they were ever to depart from this rule,
17 and this they attempt to do when it is possible to do.

18 However, I think I should explain that there
19 are times when it is difficult for a dispatcher to
20 know just what is the first ship. He can have
21 possibilities of an order for a pilot out of town;
22 someone must catch a train or bus at a certain time,
23 and it is possible to have a ship coming up the lake
24 who has given us an indication that they will arrive
25 at Port Weller at a certain time, and in the meantime
26 a couple of ships are coming from Toronto and one from
27 Hamilton, and two pilots may be wanting relief up at
28 Lock 7, so the dispatcher does the best he can.

29 Q In other words, in dispatching, the
30 dispatcher has to use his good judgment on many occasions?



1 English

2 A. That is right, yes.

3 Q. You agree with that? In exercising
4 his good judgment there are certain principles that
5 must guide him I take it?

6 A. Well, the principles, dispatching
7 regulations that are laid down.

8 Q. You have told us you have 60 pilots in
9 your district, American and Canadian. Would you agree
10 with me that these pilots, these men, are highly skilled
11 men, very able men?

12 A. These are highly skilled technical men,
13 yes.

14 Q. They are highly specialized as ship
15 handlers and in knowing the difficulties of their
16 particular District?

17 A. That is my opinion, yes.

18 Q. In other words, you have nothing to
19 reproach your pilots for from the point of view of
20 ability and skill?

21 A. Not in their particular field, no.

22

23 -

24

25

26 -

27

28 -

29

30



1 English

2 Q. Would you also agree that they
3 are expensive material?

4 A. Yes; I would say they are
5 certainly paid in the upper brackets for Canadian
6 industry and therefore their time is valuable.

7 Q. Captain, will you then agree
8 with me that one of the cardinal rules that should
9 be followed in dispatching is that you should not
10 waste pilotage material?

11 A. Yes, we agree with that.

12 Q. You agree with that?

13 A. Oh, yes.

14 Q. I would like to take up with you
15 a few illustrations where in my humble opinion there
16 might be wastage of pilotage material. When I do
17 so I do not want you to construe this as a criticism
18 of yourself, but perhaps of the system.

19 Let us take the lower entrance
20 to the Welland Canal to start with. An upbound
21 ship that takes a pilot will take the pilot outside
22 in the open water of Lake Ontario some two or three
23 miles out; is that correct?

24 A. That has been the practice, yes.

25 Q. Where does the pilot take the
26 pilot boat to proceed to his ship?

27 A. Well, the pilot boat berth is ---

28 Q. Would you indicate on Chart 2042,
29 Exhibit 980, the location where the pilot will board
30 the pilot boat?



1 English

2 A. This is the general place (indi-
3 cating).

4 MR. LALONDE: Would you please
5 put a letter where that is -- letter A?

6 MR. BRISSET: Q. Normally,
7 Captain, how long does it take for this operation --
8 the pilot leaving the base, proceeding to the pilot
9 boat and then on the pilot boat proceeding to the
10 ship until he is on board and the ship is ready to go?

11 A. From the pilot boat dock to the
12 ship?

13 Q. Yes.

14 A. In good weather about 20 minutes,
15 I would think.

16 Q. Normally the ship, I understand,
17 waits at anchor for the pilot boat to come; is
18 that correct?

19 A. No; normally the ship does not
20 anchor.

21 Q. The pilot boat joins the ship
22 while the ship is lying still but without her anchor
23 down; is that correct?

24 A. Well, it may be lying still, but
25 usually the ship has slowed down off the calling-in
26 buoy prior to making entry into the harbour. It is
27 only about a mile, I think -- the calling-in buoy
28 to the piers -- and I am quite certain no ship would
29 want to be going full speed or half speed at that
30 point.



1 English

2 Q. Once the pilot is on board and
3 the ship proceeds how long normally -- I am speaking
4 of a normal passage -- does it take before the ship
5 ties up at the tie-up wall before getting into the
6 Lock?

7 A. I would think half an hour would
8 be safe. You mean, into the Lock or into the wall?

9 Q. Into the wall.

10 A. Into the wall, I think probably
11 half an hour would be used up at least, maybe more.

12 Q. Would it be correct to say as a
13 general way of putting it that the operation, insofar
14 as pilots' time is concerned, is a matter of about
15 an hour from the time he leaves his base, goes to
16 the pilot boat, boards the vessel and comes back
17 to the tie-up wall?

18 A. It would be more than that because
19 we, of course, try to give the pilots two hours'
20 notice. This is our instruction -- to try to give
21 them two hours' notice. So it is two hours from the
22 time we call him until he boards the pilot boat
23 usually. Then he would go out.

24 You understand, our pilots are
25 not standing by like they are in some places. They
26 are in hotels or at their homes. They may have to
27 get up and clean up -- throw some things in their
28 bag and so on. So we try to give them two hours'
29 notice if possible.

30 Q. Would you agree then, Captain, that



1 English

2 if the new procedure which you detailed to us this
3 morning which is to commence next season, if such
4 procedure is put in operation you will have a saving
5 of pilots' time which is not inconsiderable?

6 A. It would be difficult to estimate
7 how much. We are still going to have to give the
8 pilot two hours' notice, whether he is going to
9 catch the pilot boat or a bus. We still give him
10 two hours' notice.

11 Q. Under the new procedure he would
12 simply board at the tie-up wall with the ship there
13 instead of having to go out to the pilot boat and
14 then come back with the ship?

15 A. Well, he will save the time of
16 going out to the ship and coming back in. I do
17 not know which time is the more valuable, the ship's
18 time or the pilot's time.

19 Q. There would be a saving to the
20 ship too in time, would there not, if the ship did
21 not have to slow down to meet the pilot boat or even
22 wait for the pilot boat, or drop anchor at times?

23 A. Yes, there would be a saving;
24 the ship would save time.

25 Q. You have told us that under
26 certain conditions and with certain ships you would
27 not think too highly of this operation because the
28 ships had not been in the lakes before. You recall
29 having said that?

30 A. Yes.



1 English

2 Q. Would you agree that if we
3 talked percentage this would be in about 20% of the
4 cases and that about 80% of the ships are more or
5 less regular traders?

6 A. Well, I would not have thought
7 that 80% of the ships are regular traders.

8 Q. Can you say what percentage of
9 ships have B licences coming into the lakes? Could
10 you give us an idea?

11 A. I cannot give you an exact idea,
12 but I do not think it would exceed 70% at the most.
13 That would be an outside figure. We also have, of
14 course, the cases of ships that have for many years
15 been trading up here and had familiar officers
16 with B certificates and the first thing you know
17 they come along and they do not have a B certificate;
18 they have changed the officers. This is the sort
19 of thing -- they take holidays and so on.

20 Q. But still your percentage would
21 be, in your best judgment, about 70% of the ships --
22 I am speaking of ocean ships -- are ships having
23 B certificates on board?

24 A. I would not consider all of
25 these, of course, to be regular traders, not like
26 the Manchester ships, the Fjell-Oranje line and so
27 on. They are regular traders and most of their
28 personnel are quite familiar. But many ships who
29 have B certificates could not be termed "familiar".

30 Q. Now, Captain, you have spoken a



1 English

2 minute ago about these foreign ships that are lake
3 ships. They are all, of course, ships flying the
4 British flag?

5 A. Yes.

6 Q. Is there any reason why you call
7 them "foreign ships"?

8 A. I think the proper term is
9 "British foreign". They are foreign bodies as far
10 as we are concerned.

11 Q. Would it be more correct to say
12 that they are Commonwealth vessels in view of the
13 shipping agreement between the Commonwealth countries
14 giving similar treatment to all ships registered
15 within the Commonwealth?

16 A. Well, I do not want to get into a
17 hassle on nomenclature, but I believe the term that
18 is used is usually "British foreign" and therefore
19 we term them all -- they are either foreign or they
20 are not foreign as far as we are concerned. They
21 are black, white or green, but if they have to have
22 a pilot, they have to have a pilot.

23 Q. Captain, I want to address myself
24 to you now as a practical man and not as a man called
25 upon to construe legislation. You have told us that
26 these British registered or British flag lake vessels
27 were manned by Canadian officers and Canadian crew
28 holding, in the case of officers, certificates exactly
29 similar to those held by Canadian lake ships or
30 American lake ships, if you wish. That is correct?



1 English

2 A. That is correct.

3 Q. In other words, Captain, if
4 instead of having "Bermuda" or "London" painted on
5 their stern, these vessels had "Montreal" or "St.
6 Catharines", "Toronto" painted on their stern, they
7 would not have to take pilots?

8 A. That is correct.

9 Q. Their Masters are absolutely
10 competent to go through the Canal as any other
11 Canadian lake Masters on domestic ships?

12 A. Yes.

13 Q. Would you agree then that it is
14 not for safety reasons that pilots are put on board
15 these ships?

16 A. Yes, I would agree with that.

17 Q. Would you not agree then that it
18 is a wastage of pilotage material if you put pilots
19 on board these ships when they probably -- and I
20 can tell you it is pretty sure they have their feet
21 up all the way through the Canal?

22 A. This I do not know -- whether
23 they have their feet up or not. I do know, of
24 course, that some companies issued instructions to
25 their Masters that they were to handle their own
26 ships.

27 Q. You are aware that the companies
28 owning these ships say to the Masters: "When you go
29 through the Canal you handle your own ship yourself
30 and do not let the pilot do it."?



English

1
2 A. I understand that some companies
3 have issued those instructions.

4 Q. I am coming to my question -- do
5 you not agree that it is a wastage of pilotage
6 material when these pilots are needed on foreign
7 ocean ships that do not have officers used to these
8 waters? I am asking you this not as a legal man
9 but as a practical man.

10 A. Well, I am certainly not a legal
11 man anyway. But this is common knowledge, of course.
12 I could not help but answer that this is the case.
13 This is the law of the land.

14 Q. I would like to give you another
15 illustration of this type of wastage of pilotage
16 material. I am referring to a ship owned by
17 Winona Steamships Limited. The Winona is well known
18 around these parts. The ship is one that trades
19 into Sandusky.

20 You would agree with me that
21 Sandusky harbour is at the upper end of Lake Erie
22 and that a ship proceeding from Port Colborne going
23 into Sandusky has to transit about four or five
24 miles of open waters that happen to be within the
25 restricted waters west of Southeast Shoal until
26 that ship reaches Sandusky pier light; do you agree?
27 There is a little stretch of water which is within
28 what is called restricted waters?

29 A. Well, it is restricted within the
30 radius of one mile of Sandusky pier head light. That



1 English

2 becomes restricted waters.

3 Q. But you come within one mile or
4 inside of one mile of the pier head and then you are
5 no longer in restricted waters; that is correct?

6 A. What do you mean?

7 Q. Let us assume you have a ship
8 proceeding up Lake Erie.

9 A. This is unrestricted waters.

10 Q. This is unrestricted waters?

11 A. Yes.

12 Q. She has to get into Sandusky
13 harbour?

14 A. That is right.

15 Q. Just before reaching the pier
16 light she gets in the restricted waters?

17 A. That is correct.

18 Q. For a few miles only?

19 A. It is restricted waters all the
20 way down from Southeast Shoal to Sandusky.

21 Q. Yes, but if she is coming up
22 Lake Erie ... Would you look at Chart #2100, Exhibit
23 981? Assume that you have this ship coming up Lake
24 Erie to go into Sandusky. You will agree with me
25 that she is going through unrestricted waters or
26 open waters all through the Lake?

27 A. That is correct.

28 Q. Until she reaches a line which
29 connects Southeast Shoal and Sandusky pier light?

30 A. That is right.



1 English

2 Q. It is only when she reaches this
3 point that she is within restricted waters?

4 A. That is correct.

5 Q. Therefore it is only when she
6 reaches this point that she has to have a pilot on
7 board because she is a British lake ship?

8 A. That is right.

9 Q. As soon as she gets into Sandusky
10 harbour she is no longer in restricted waters?

11 A. Why would you assume that?

12 Q. Well, tell me if I am wrong.

13 A. I understand that all waters west
14 of that line are restricted waters.

15 Q. All right, they are; let us
16 concede this. In order to get a pilot for that
17 stretch which -- correct me if I am wrong -- is
18 only a matter of a few miles?

19 A. Yes.

20 Q. She has to take a pilot, one of
21 your 60 pilots in Port Colborne; that is correct?

22 A. Usually that is the case, yes.

23 Q. That is the case, even though
24 the Master, who is a lake master, is completely
25 competent to navigate these waters?

26 A. That is right.

27 Q. Do you agree with me that all
28 these ships that are going into Sandusky, these
29 lake ships, are causing what I call a wastage of
30 pilots for you?



1 English

2 A. Of course, the law says the ship
3 must carry a pilot in designated waters. It just
4 happens the ship could have been going to Toledo. In
5 this case she is going to Sandusky and it is only a
6 few miles, but that is just the way the cookie crumbles.
7 Here he is only in a little bit, but he has gone
8 into the designated waters.

9 Q. So you have to provide him with
10 a pilot at Port Colborne?

11 A. That is right.

12 THE CHAIRMAN: Would that not be
13 the same situation in Kingston?

14 THE WITNESS: Yes.

15 MR. JACQUES: Yes it is, My Lord.

16 MR. LALONDE: Except that I would
17 say at Kingston they would not have to board at Port
18 Weller, I understand -- to go to Kingston.

19 THE WITNESS: No; they have to go
20 around to Cape Vincent and then come back.

21 MR. LALONDE: Could the witness
22 tell us how many ships are in that category of
23 travelling regularly between Port Colborne and
24 Sandusky -- foreign lake ships?

25 THE WITNESS: I might say this...
26 You are asking me?

27 MR. LALONDE: Yes.

28 THE WITNESS: Sandusky is a very
29 busy coal port and Ontario gets a good portion of its
30 coal for hydro plants from the Lake Erie ports; and



1 English

2 Sandusky's claim to fame is the fact that they have
3 three coal rigs there, so a great many of the self-
4 unloading ships which carry coal go into Sandusky and
5 Toledo.

6 MR. LALONDE: I am informed that
7 in the category of foreign registry lake ships there
8 would only have been one, namely, the BLUE MOON doing
9 this trip regularly; is that correct?

10 THE WITNESS: I don't know the
11 BLUE MOON.

12 MR. BRISSET: Is that a pun!

13 There is also trade into Toledo, if
14 we want to go a little bit further up, by these
15 ships?

16 THE WITNESS: I think I could mention
17 the Winona Steamship Company and Westdale Shipping and
18 Ocean Shipping -- almost any of these ships that have
19 self-unloading equipment on them are in and out of
20 those ports all the time.

21 MR. BRISSET: Q. Let us go back
22 to Toronto. Captain, if you have a ship that has
23 no B certificate or any officer with a B certificate
24 on board, and that ship has to be shifted in the Port
25 of Toronto, isn't it a fact that you have to use a
26 registered pilot and send one of your Port Weller pilots
27 to protect the ship?

28 A. No. This may happen on occasion,
29 but they are very rare occasions that we now have to
30 send one of our pilots. We have, as I said before,



1 English

2 the six Lake Ontario pilots and they report into our
3 office from Toronto or Hamilton, wherever they may
4 be, and if the agents have given us a little warning
5 we are able to advise these people to stick around,
6 that there is going to be a movement. Or sometimes
7 this is done by radio-telephone and sometimes by
8 teletype. So that we very seldom have to send one
9 of our #2 District pilots over to Toronto to perform
10 harbour movement of a ship.

11 Q. However, you will agree with me
12 that simply because there is no officer on board having
13 this famous B certificate, if the ship has to be
14 shifted in the harbour of Toronto, or Hamilton, for
15 that matter, the local pilots that are handling all
16 ships, that have the experience there, are not permitted
17 to do it?

18 A. That is the law.

19 Q. That is the law?

20 A. Yes.

21 Q. In other words, they have to get
22 a pilot from your district; is that correct?

23 A. They have to get a registered pilot.

24 Q. Which means, even although this may
25 not be frequent, you say, at the moment -- which means
26 that at times a pilot has to be sent from Port Weller
27 to Toronto to do that 20-minute job?

28 A. That is correct.

29 THE CHAIRMAN: Are you changing
30 the subject?



1 English

2 MR. BRISSET: No; but I have other
3 questions on this same subject.

4 THE CHAIRMAN: Then, we will take
5 our ten-minute break.

6 ---RECESS

7 MR. JACQUES: My Lord, I should like
8 to put the accountant in at this moment because I
9 understand that an auditor from Ottawa will be down
10 to visit him tomorrow and he may not be available for
11 the rest of the week.

12 It is agreeable for my friend to
13 interrupt the evidence of Captain Watson.

14 THE CHAIRMAN: This will be all right.

15 WILLIAM J. GREWAR, Sworn

16 DIRECT EXAMINATION BY MR. JACQUES:

17 Q. What is your occupation?

18 A. I am the accountant for the
19 Port Weller Pilotage Authority.

20 Q. How long have you held that
21 position?

22 A. Since April 1st, 1960.

23 Q. I show you four sets of documents.
24 The first one is entitled "Port Weller Pilotage
25 Authority Operating Statement for the Period January
26 1st to January 31st, 1962." Was that prepared by you?

27 A. Yes, it was.

28 MR. JACQUES: I should like to
29 file this as Exhibit No. 1021.
30



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Grewar, director
(Jacques)

14100

1 English

2 ---EXHIBIT NO. 1021: Document entitled "Port Weller
3 Pilotage Authority Operating
4 Statement for the Period
January 1st to January 31st, 1962."

5 MR. JACQUES: Q. Before discussing
6 this Exhibit I think I should file all of them.

7 I have also a document entitled
8 "1962 Season. Final Inter-Association Settlement.
9 Lake Pilots Association, Inc., Port Huron, Michigan."
10 Obviously this document wasn't prepared by you, was
11 it?

12 A. No; that is true.

13 Q. Was it forwarded to you in your
14 official capacity as accountant for the District?

15 A. Yes, it was.

16 MR. JACQUES: I would like to file
17 this as Exhibit 1022.

18 ---EXHIBIT NO. 1022: Document entitled "1962 Season.
19 Final Inter-Association Settle-
20 ment. Lake Pilots Association,
Inc., Port Huron, Michigan".

21 MR. JACQUES: Q. Then, I have
22 another document entitled "Port Weller Pilotage Author-
23 ity Operating Statement, January 1st to December 31st,
24 1963." Was that document prepared by you?

25 A. Yes.

26 MR. JACQUES: I should like to
27 file this as Exhibit 1023.

28 ---EXHIBIT NO. 1023: Document entitled "Port Weller
29 Pilotage Authority Operating
30 Statement, January 1st to
December 31st, 1963".



1 English

2 MR. JACQUES: Q. Lastly, a document
3 entitled "Inter-Association Settlement. Lakes Pilotage
4 Association, Inc., Port Huron, Michigan. December 5th,
5 1963". Was that document received by you in your
6 official capacity as accountant for the District?

7 A. Yes.

8 MR. JACQUES: I would like to file
9 this as Exhibit No. 1024.

10 ---EXHIBIT NO. 1024: Document entitled "Inter-Associ-
11 ation Settlement. Lakes Pilotage
12 Association, Inc., Port Huron,
Michigan. December 5th, 1963".

13 MR. JACQUES: Q. Now, I believe
14 you have brought with you your operating statement
15 for the year 1961?

16 A. Yes, I have.

17 MR. JACQUES: I would like to file
18 as Exhibit 1025 the annual statement for the period
19 May 1st to December 31, 1961 and as Exhibit 1026 the
20 Inter-Association Settlement, Lakes Pilots Association,
21 Inc., Port Huron, Michigan, December 31, 1961.

22 ---EXHIBIT NO. 1025: Copy of annual statement of
23 Port Weller Pilotage Authority,
May 1st to December 31, 1961.

24 ---EXHIBIT NO. 1026: Copy of Inter-Association
25 Settlement, Lakes Pilots Associ-
ation, Inc., Port Huron, Michigan,
dated December 31, 1961.

26 MR. JACQUES: Q. Now, in your office
27 do you do the billings for pilotage dues?

28 A. Yes, I do.

29 Q. And do you do the collecting of
30 pilotage dues?



1 English

2 A. Yes.

3 Q. Is that for the whole District, or
4 for only the pilots dispatched in your District?

5 A. That is for the whole District #2.

6 Q. For the whole District?

7 A. Yes.

8 Q. But does that cover the pilots
9 dispatched from Port Huron?

10 A. No, they are billed from Port Huron.

11 Q. So you bill only for pilots
12 dispatched from Port Weller?

13 A. Yes.

14 Q. In the area which was outlined by
15 Captain Watson?

16 A. That is right.

17 Q. Into each lake?

18 A. Yes.

19 Q. Now, starting from 1963, I wonder
20 if you would care to explain the entries in your
21 operating statement. The first item is "subsistence
22 and travel -- pilots." What is that?

23 A. That is the expense incurred by
24 pilots travelling out of the immediate area of the
25 Canal. These expenses are recoverable from the ships.

26 Q. And the expenses which would not
27 be recoverable from the ships -- where would they be?

28 A. They are not entered on this
29 statement at all. They come out of the revenue that
30 is sent to Ottawa. They are not taken into consideration



1 English

2 in this statement.

3 Q. And the gross revenue which appears
4 on this statement -- what does it represent?

5 A. That is the total billing for the
6 year.

7 Q. Your own billings only?

8 A. Yes, our own billings.

9 Q. And then the item "employees'
10 salaries and benefits" -- what does that represent?

11 A. That is the office itself -- the
12 overhead of the office.

13 Q. Does that include the salary of
14 the Supervising Pilot?

15 A. The Supervising Pilot, myself and
16 the typist and the four dispatchers.

17 Q. And the other entries pertain to
18 what?

19 A. Well, these are figures that are
20 set up ---

21 Q. If you would read down the line?

22 A. Well, "Rental" is the amount set
23 up by Ottawa for the building, and then there is the
24 figure for equipment -- office machines and furniture.

25 Q. And the entry "Teletype", \$4,549.49
26 -- where did you get that figure?

27 A. From Ottawa.

28 Q. This was supplied to you?

29 A. Yes.

30 Q. And that leaves you with a net



1 English

2 operating income of \$578,451?

3 A. Yes.

4 Q. This would be 1963?

5 A. Yes.

6 Q. Would you explain the bottom part
7 of your statement -- "for distribution of net operating
8 income between U.S. and Canadian"?

9 A. Well, this represents the percentage
10 allowed for each nationality.

11 Q. How is it established?

12 A. It is established by the ratio of
13 the one nationality in proportion to total sales for
14 each month. Each month is calculated on that month's
15 sales.

16 Q. What do you mean?

17 A. The billings for that month.

18 Q. According to the number of pilots?

19 A. No; according to the participation;
20 the percentage of those who do the piloting. Each
21 nationality is kept separate. Pilots done by the
22 United States is apportioned as pro rata in the billings
23 for the entire month. Each month it is a different
24 figure, of course.

25 Q. Well, then, you mention "U.S.
26 \$252,000." What is this? Is it the billing which
27 you have done for jobs done by Americans?

28 A. That is right.

29 Q. And you charge the Americans a
30 proportion of the operating expenses of your District?



English

A. That is right.

Q. And this proportion which is charged -- how is it arrived at?

A. Well, here (indicating) are the total expenses for the year.

Q. \$46,000?

A. And that has been deducted from gross revenue, and the net operating income has been pro rated each month. This is an accumulated statement of the whole year. Each month's statement reads the same way except it is a percentage of the month's sales.

Q. How do you arrive at that percentage of monthly sales?

A. The billings of American and Canadian pilots are just kept in two separate columns, and by arriving at the percentage of American sales I would arrive at the American money that had been distributed to the Americans.

Q. But how do you arrive at that percentage?

A. All you have got to do is take the amount of U.S. billings as a percentage of the total billings for the month and arrive at the percentage.

Q. And this is the percentage which is charged the Americans for the operating expenses?

A. No; that is the percentage which they are paid. We have already established -- we have deducted the expenses from the total, so we



1 English
2 distribute the balance. It is the balance we
3 apportion; but the ratio of distribution is
4 established from the monthly billings.

5 Q. And do you pay them in U.S.
6 currency or Canadian currency?

7 A. Oh, I pay them in Canadian currency.

8 Q. And when you bill do you always
9 bill in Canadian currency or both?

10 A. No; I bill Canadian pilots as
11 Canadians and American pilots have an 8% surcharge on
12 each invoice.

13 Q. And is the same done in the Port
14 Huron dispatching office?

15 A. Well, in reverse.

16 Q. In reverse?

17 A. Yes; but there isn't the same
18 percentage of surcharge.

19 Q. In the second sheet of this
20 document there is mention of "deduct boat charges".
21 What is that?

22 A. That is pilot boat charges.

23 Q. To whom is it paid?

24 A. Well, they are paid to our own
25 Authority with our own cheque. We pay the pilot boat --

26 Q. The Port Weller pilot boat?

27 A. The Port Weller pilot boat and the
28 Kingston pilot boat.

29 Q. And the Kingston pilot boat?

30 A. And the Kingston pilot boat; and we



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Grewar, dir
(Jacques)

14107

English

1 issue our own cheques.

2 Q. Now, are you able to shed some
3 light on the Inter-Association Settlement for 1963?
4 Are you familiar with the entries which are made?

5 A. Well, they are quite similar to
6 our own, actually. The statements are made up on the
7 same format. This is not the final statement, of
8 course.

9
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30



1 English

2 Q. And the division of funds between U.S.
3 and Canadian, is it done on the same basis as you do
4 yourself?

5 A. Yes.

6 MR. JACQUES: Thank you.

7
8 CROSS-EXAMINATION BY MR. LALONDE:

9
10 Q. Mr. Grewar, would you refer to Exhibit
11 1023? There is a statement which has gross revenue,
12 \$624,000. That includes earnings made by both
13 American and Canadian pilots in the District?

14 A. That is correct.

15 Q. Do you have calculated at any time
16 the gross revenue earned by Canadian pilots through
17 billings for pilotage?

18 A. Oh, yes. Well, each month their
19 billings are separate.

20 Q. Would the total figure for the year
21 appear on the statements you have tabled today?

22 A. The breakdown?

23 Q. The total amount earned by Canadian
24 pilots through pilotage acts.

25 A. I don't think there is any breakdown of
26 the two.

27 Q. Do you have that available in your
28 files?

29 A. Oh, yes.

30 Q. Here?



1 English

2 A. Not here, no.

3 Q. Would you have that amount as a total
4 for both ends of the District? You know what I am
5 looking for is how much did the Canadian pilots either
6 from Port Huron or from Port Weller earn for the
7 Department in pilotage acts?

8 A. Yes. Well, actually that amount is
9 here I think for Port Huron. They have broken it down.

10 Q. You refer to Exhibit 1024 where there is
11 an amount indicated as amount earned by pilotage revenue,
12 Canadian pilots, \$211,000 up to December 5, 1963.
13 In your view this would be the amount?

14 A. That would be the amount that Canadian
15 pilots --

16 Q. Amount earned by Canadian pilots?

17 A. For the year.

18 Q. For 1963?

19 A. That is right.

20 Q. Now, an equivalent figure for your end
21 of the District, would it appear in the documents you
22 have tabled?

23 A. No, not the total of revenue, no. I
24 don't bother breaking it down.

25 Q. If you have that information available,
26 could you just forward it?

27 A. Oh, yes.

28 Q. For Port Weller for the same years, 1961,
29 1962 and 1963?

30 A. All right.



1 English

2 Q. I understand the statements for 1961
3 and 1962 are similar to the ones you have already
4 tabled for 1963?

5 A. Yes, they are.

6 Q. Or made exactly on the same basis?

7 A. Exactly the same.

8 MR. LALONDE: So if you could have that
9 information some time tomorrow, I would appreciate it.
10 My Lord, we did not have much opportunity to look at
11 these statements, and I understand if necessary, later
12 on I might have the witness recalled.

13 THE CHAIRMAN: Have you got clear exactly
14 what you want from the witness?

15 MR. LALONDE: It is clear in my mind,
16 but I am not sure whether I have expressed it clearly
17 enough.

18 THE CHAIRMAN: I understand that the
19 witness will not have to come back for that, will he,
20 only to table the statement he is going to prepare.

21 MR. LALONDE: As far as I am concerned
22 I do not need the witness to bring this back himself.
23 He may give them to Captain Watson.

24 THE CHAIRMAN: To bring tomorrow. Tomorrow
25 or the day after if you do not have time to do this
26 for tomorrow morning or tomorrow afternoon.

27 MR. JACQUES: If it will help my friend,
28 I have a comparative statement of revenue and expenses,
29 Great Lakes Pilotage District 2 and District 3, but
30 it is only for the years 1961, 1962. I am advised



1 English

2 that they could not include 1963 because the accounts
3 of both Canadian and U.S. pilotage offices are now
4 being audited, and a comparative statement will not
5 be able to be made until the latter part of March.

6 THE CHAIRMAN: This is the audit that is
7 being carried out now?

8 MR. JACQUES: Yes, My Lord.

9 THE CHAIRMAN: So here is what you are
10 going to do: At the adjournment you are going to
11 look at this document, and if it is not satisfactory
12 you will ask Mr. Grewar to furnish what you want exactly?

13 MR. LALONDE: The information I was looking
14 for does not seem to appear on the document my friend
15 is referring to. The witness has said I think that
16 he has that information readily available.

17 THE WITNESS: That is true.

18 MR. LALONDE: So it is three figures to
19 provide.

20 THE CHAIRMAN: Very well.

21 MR. LALONDE: That is not very complete.

22 MR. JACQUES: I should like also to state
23 that copies of the IBM books which we have stated would
24 be made available at Ottawa together with the code --
25 and I have already supplied a list of the information
26 which could be obtained from these books -- contain
27 that information. It needs to be added, that is all.

28 MR. LALONDE: I know of that, and I have
29 even calculated it. I have taken the trouble last
30 night, but these documents have not been proved by



1 English

2 anybody, and I would like to have the documents from
3 the records at the office here.

4 THE CHAIRMAN: That is quite all right.

5
6 CROSS-EXAMINATION BY MR. BRISSET:

7
8 Q. Mr. Grewar, just a few questions to
9 clear certain points in my mind. I am looking at
10 Exhibit 1021, Port Weller Pilotage Authority operating
11 statement for the year 1962. The first item is
12 gross revenue, \$524,978.89.

13 Am I right in assuming that this is the
14 total of all billings sent by your office for pilotage
15 dues during that period?

16 A. That is right, yes.

17 Q. Then you list the various expenses
18 in the District totalling \$50,057.52, leaving a net
19 operating income of \$474,921.37. Underneath this
20 latter amount you have the following:

21 "Previous net operating income, \$481,434.41."

22 What is the origin of that figure?

23 A. Well, you see actually these expenses,
24 some of them are set up in a budget from Ottawa, and
25 when it comes down to the actual figures for the year,
26 we have to make adjustments to the actual -- or in
27 some cases they may be more or less.

28 Q. In the year 1962, the actual expend-
29 itures were \$6,513.04 more than budgeted; is that
30 correct?



English

A. That is right, yes.

Q. So you are left actually with the net operating income, actual, of \$481,434.41?

A Well, that is the previous net operating income. This is the final operating income here, with that adjusted by the amount of \$6,500.

Q. Well, was the adjustment made in the reduction or in an increase of the amount previously shown?

A. No, we have increased the expenses, so we must have under-budgeted.

Q. So you would increase expenses?

A. Yes.

Q. Then you proceed to what is down here, and I quote:

"Distribution of net operating income less adjustment", and the distribution was of an amount of \$474,921.37, of which \$321,506.05 went into the Canadian side; that is correct?

A Yes.

MR. JACQUES: Would the witness speak a little louder, please?

Q. Out of this amount of \$321,506.05 were the salaries of the Canadian pilots in District No. 2 paid?

A. Well, you would have to carry on to the other page here. Right here. You have to deduct the boat charges, and then the balance is sent to Ottawa, and from there I am out of the picture, so



1 English

2 I don't know.

3 Q So the amount which you actually sent
4 to Ottawa after deducting boat charges was \$302.628.43?

5 A. Correct.

6 Q. From then on you don't know in your
7 office what is being done with this money?

8 A. That is true.

9 Q. Now, you indicated a minute ago that
10 boat charges at Port Weller had been paid by your office.
11 My understanding is that the boat charges at Port
12 Weller are paid by the ship. Would you explain in
13 what respect your office would be involved in payment
14 of boat charges at Port Weller?

15 A. Well, that is for boarding pilots
16 at Port Weller. We pay the pilot boats through the
17 Authority here.

18 Q. And the Authority, I take it then
19 bills the ship?

20 A. No, we don't. We don't bill the ship
21 for the pilot boat boardings at Port Weller.

22 Q. That is done by Ottawa?

23 A. I don't believe they are charged for it.
24 It didn't come out of our revenue, It is deducted.
25 We deduct the amount we disburse.

26 THE CHAIRMAN: So that we are clear on
27 that last question, I think you did include it in the
28 toll?

29 Q. It is included in the \$200 toll; is
30 that what you mean?



1 English

2 A. That is what I would assume.

3 THE CHAIRMAN: Are there any more questions
4 of Mr. Grewar? Thank you, Mr. Grewar.

5 MR. JACQUES: Would Captain Watson take
6 the stand again?

7
8 JOHN MANUEL WATSON, recalled

9
10 CROSS-EXAMINATION BY MR. BRISSET:

11
12 Q. Captain, you have told us this morning
13 that some of these British registered lake vessels
14 went into Port Colborne and did not use pilots, and I
15 think you indicated that you yourself considered that
16 it would be wastage to send a pilot from Port Weller
17 to pilot these vessels simply for their entry into
18 Port Colborne. Have I understood your evidence correctly?

19
20 A. Well, not completely. There are some
21 other circumstances. We have of course as a practice
22 during times when pilotage resources are stretched that
23 we have ships coming up the lake and we will say we have
24 an ocean ship and we have one of these foreign lake ships.
25 It has been the practice, and it has been my judgment
26 that it is more necessary that a foreign ship would
27 have a pilot and would not be delayed, because I
28 considered they could not do the work, and I have allowed
29 a lake ship to proceed under these circumstances
30 because I know they are capable and able to do it.



1 English

2 This is when I have one pilot, shall we say,
3 and two ships, and one ship is given the preference.
4 It is given a pilot. I give it to the ocean ship and
5 allow the lake ship to proceed without a pilot.

6 This happened quite a bit in 1962, and about
7 twenty times in 1963. Of course, you can readily
8 understand the feeling of the lake ships, this type
9 of lake ship, is that they must only take a pilot at
10 our convenience.



1 English

2 However, it has not been the only circumstance.
3 There are times when providing transportation for a pilot
4 to Port Colborne and return, the customary charge is
5 \$18 and the pilotage minimum fee was \$31.25, plus
6 the loss of a pilot's services for a day. This did
7 not seem to me to be a practical operation despite
8 the fact that I knew that the ship was by law required
9 to take a pilot.

10 Q. In other words, if I may put it this way,
11 you agree with us that as far as it is possible the
12 services of your pilots should be given to these ships
13 that really need them, namely the ocean ships that have
14 to sail through your District?

15 A. That is my judgment. However, I do
16 not dispute the law and I do not try to deliberately go
17 round it. It is a matter of choice -- when I have
18 to make a choice.

19 Q. Now, Capatain, I would like to pass on
20 to another problem related to what I have called wastage
21 of pilotage material. I have before me statistics
22 for the year 1962 of the detentions of pilots in port.
23 These figures are to the effect that on the detention
24 alone in 1962 in your District there was paid an amount
25 of \$110,000. Are you aware of this detention in port?

26 A. Yes.

27 Q. I have also a figure and an illustration
28 of detentions in one single port, the port of Detroit,
29 where the total number of hours from all detentions
30 in 1962 was 19,975.2 hours. You are aware of this



1 English

2 situation, are you not, in 1962?

3 A. I am not exactly aware of that number
4 of hours, but I am aware of the condition as it exists
5 generally, yes.

6 Q. If you want to do a bit of arithmetic
7 with me, Captain, you told me that you had 60 pilots
8 in your District. If you divide this number of
9 19,975 hours by 60 you will have a figure of 333 hours
10 per pilot. You would agree with my mathematics?

11 A. I will agree because I do not have a
12 pencil at the moment.

13 MR. LALONDE: Is my friend going to
14 establish first these 19,000 hours?

15 MR. BRISSET: My Lord, I am afraid I
16 cannot establish them at the moment except to say
17 that we obtained these statistics from the Department
18 and no doubt they will be produced in due course.

19 THE CHAIRMAN: So assuming they are right.

20 MR. BRISSET: Assuming they are right,
21 the figure I was giving you, Captain, was 19,975
22 hours divided by 60 pilots means 333 hours per pilot.
23 If you want to proceed with this little mathematical
24 exercise, assuming that the work week for the pilot
25 is that set out in the Treasury Board minutes or Order-
26 in-Council as 48 hours, you will agree with me that
27 333 divided by 48 means 7 weeks per pilot?

28 MR. LALONDE: Assuming he would be working
29 48 hours a week.

30 MR. BRISSET: Q. Therefore simply on the



English

1 basis of a 48-hour working week every pilot in your
2 District was on board a ship in Detroit in port for
3 7 weeks out of 30 working weeks in the year.

4 Now if you want to do it in another way
5 giving the pilot a working week of 100 hours, you
6 would still have every pilot in port with his feet up
7 (like your expression) for three and a half weeks
8 every season.

9 When computing workload of pilots, Captain,
10 did you include the time on board during detention
11 normally? Is that part of the work load?

12 A. Yes.

13 Q. It is? So at least would you agree
14 with me that the time spent by pilots in this harbour
15 alone constitutes in fact a wastage of pilotage material?

16 A. Yes; I would say that would be about
17 1.6 hours a day.

18 Q. I would like to go over with you the
19 dispatching procedure. You told us that the
20 jurisdiction of your office extended as far west as
21 a line between Cobourg and Rochester, I believe; is
22 this correct?

23 A. That is Lake Ontario.

24 Q. Yes, and on Lake Erie?

25 A. I think you are now talking chiefly
26 of Lake Erie.

27 Q. I am sorry; that was on the east side.
28 On the west side it extends up to where? What would
29 be the line?
30



1 English

2 A. Cleveland, ~~to, we call~~ it Port Stanley
3 but you might as well say South East Shoal because there
4 is nothing between Port Stanley and South East Shoal.

5 Q. In other words Detroit, being the port
6 I have selected for this illustration, is outside
7 your jurisdiction?

8 A. Technically, yes.

9 Q. It would therefore fall under the
10 jurisdiction of the Port Huron dispatching office?

11 A. That is correct, yes.

12 Q. Assume that you have a ship coming
13 down from Lake Huron with the pilot boarding at Port
14 Huron. What is the arrangement that you have with
15 the Port Huron dispatching office in order to keep track
16 of what that pilot is doing?

17 A. We have a daily report of dispatches --
18 position of pilots, ships dispatched, destination,
19 whether they have a certificate of exemption. In
20 other words we have a routine whereby we pass information
21 at about 9 o'clock in the morning, the situation as
22 of that time, and later on at about 5 o'clock in the
23 afternoon we get a repeat from Port Huron also --
24 dispatches of the day, ships, pilots, where bound etc.

25 Q Captain, assuming that this downbound
26 ship is calling at Detroit, is your office advised one
27 way or another that the ship has docked at Detroit
28 with the pilot on board?

29 A. In my office?

30 Q. Yes. Do you know?



1 English

2 A. No, I do not know.

3 Q. Does Port Huron know?

4 A. Port Huron would likely know next
5 morning, or the pilot would call Port Huron.

6 Q. Would Port Huron inform you that this
7 ship is in Detroit and the pilot is on board having
8 arrived the previous day?

9 A. Generally I think he would, yes.

10 Q. Would you know also for how long the
11 ship is likely to stay in Detroit?

12 A. No.

13 Q. Is there any way for you to find out
14 what your pilot is doing?

15 A. For me to find out?

16 Q. Yes. You have a pilot from your
17 District who is in Detroit on board a ship. What
18 ways have you to find out whether he is going to be
19 there 20 hours, 3 days, 10 days?

20 A. The pilot still in Detroit is Port
21 Huron's pigeon and he should report to Port Huron
22 his expected duration of stay in harbour and when he
23 expects to sail.

24 Q. Let us assume that this pilot
25 reports to Port Huron that he has arrived in Detroit
26 and is expected to stay there, or at least the ship is
27 expected to stay there to load or unload for, say,
28 four days. Can you do anything about it?

29 A. Well, if the ship is going to be there
30 four days we can call the pilot back. However, there



English

are some circumstances which we must recognize.

The first thing is that there is a skipper on that ship, isn't there -- a master in command -- and I presume he has the owner's interests at heart. I am quite certain if I were master of a ship and having an expense incurred like that every day I would pay the pilot off because I am quite certain my owners would be concerned if I was throwing away \$50 a day.

So we have the master there who is in charge of the ship. We also have the agent there who should be able to advise the master how long he is going to be there. It would seem to me that the prime responsibility would rest with them. We are not concerned about their finances. We are concerned about the use of our pilots.

Q. That is what I am driving at. If the master for one reason or another decides to keep your pilot on board for four or five days -- giving you an illustration -- you will do nothing about it?

A. No. If we know the ship is going to be there for four or five days the pilot would be withdrawn whether the master wanted to keep him or not if possible, yes, we would.

This is not always the case. Let me enlarge. By means of subterfuge and so on pilots are often detained on ships for a greater than useful period. This is at the (I do not know) connivance of the agent or the master or maybe the pilot -- maybe all three.



English

1 But if the information that is passed on to our
2 office is that she is going to sail at 6 o'clock and
3 if at 6 o'clock in the morning she is still there;
4 "She is going to sail at 10 o'clock" and, later on,
5 "She is going to sail at 3 o'clock", it is pretty
6 difficult for us to say: "Lookit, you are not
7 telling the truth. Now you just get off that ship."

8 Q. Do you not make it a point to find
9 out exactly from your pilot what he is doing and when
10 he is really expecting his ship to sail?

11 A. Well, the pilot has access to infor-
12 mation certainly more readily than have we. However,
13 the pilot has to depend on someone else for information
14 too. If a pilot calls into our office from Cleveland
15 and says: "I expect to sail tomorrow morning",
16 and this is a 24-hour interval, we have to consider
17 then the time that he is calling in, when he can get
18 transportation back here and when we can get trans-
19 portation back there.

20 In this operation a pilot is no more use
21 to us on a train than he is on a ship in harbour.
22 So these are considerations which we must have.

23 Also we should get better information.
24 The agents should be able to tell when the ships are
25 going to sail. Very often they are not able to
26 give the proper time. I do not know why that is,
27 but this certainly is the case many times -- that
28 they expect to sail at 8 o'clock; maybe it comes on to
29 rain or maybe the stevedores decide they will not come
30



1 English

2 back tonight and the ship does not sail. No one
3 knew that at that time.

4 Q. Captain, you have spoken a minute ago
5 of cases where there was possible connivance between
6 the pilot, the agents and/ or the master. Have you
7 had occasion to investigate cases of this kind and
8 to determine that there was in fact connivance in
9 order to keep the pilot on board?

10 A. I have had occasions when I have had to
11 insist that the pilot leave the ship despite the
12 agent calling and saying that the master was most
13 anxious to retain the pilot.

14 Q. In other words do you feel that you
15 have the authority as the pilotage authority to decide
16 yourself whether the pilot should come off the ship
17 or stay on the ship irrespective of what the agents or
18 the master might say?

19 A. Yes, I think we have the authority.

20 Q. Has it come to your attention that
21 in the past at times the master of a ship may have
22 wished to keep the pilot aboard in case if he were
23 to let him go there would be no pilot available later
24 on when he was ready to proceed?

25 A. This is probably the greatest cause of
26 retaining pilots on ships. It nearly always happens
27 when there is a sort of a rush on or in the fall of
28 the year and masters are afraid, or the agents are
29 afraid they may not get a pilot. Everybody starts to
30



1 English

2 hoard the sugar.

3 Q. Do you think there is the possibility
4 of improving this situation, which I submitted to you
5 results in wastage of pilotage material?

6 A. I think this situation is improving.

7 Q. What methods have you used to improve it
8 in recent times, say towards the latter part of last
9 season? I am speaking of positive steps taken?

10 A. Of course, we have the instructions here,
11 but then we have briefed the pilots on the situation.
12 They are becoming more used to doing these things.

13 We must remember again we are only a few short
14 years away from the time when by habit a pilot went
15 aboard the ship with the sailing master and he stayed there.
16 He had no further cares until the ship had finished her
17 voyage. This is a transition which I think is coming
18 about slowly but surely. I think that there are more
19 pilots calling in and more pilots are getting off ships
20 when they see they are not going to be required.

21 Q. Would you not think, Captain, that it
22 would lead to considerable improvements if in all cases
23 the pilot was ordered to get off the ship, unless of course
24 the ship the ship was to be there just a matter of a few
25 hours, and hour or two? Would it not be better if the
26 pilot in all cases would get off the ship, go to a hotel,
27 or wherever he might wish to go, and report to your office
28 to be later dispatched if need be to the same ship?

29

30



1 English

2 A. There is something to be said for
3 that side of the argument, but then there has to be
4 consideration given to the time the pilot is going to
5 get off the ship and when the ship is going to make
6 its commitment.

7 A pilot may leave the ship at a time when
8 he can get transportation back to his station con-
9 veniently, but another pilot coming back there may be
10 at a very inconvenient time.

11 Q. Now, have you given any specific
12 instructions to your dispatchers in connection with
13 this problem of the detention of pilots in port?

14 A. We have some general instruction.
15 Of course, the pilot calls and says "I am going to be
16 here," or, again, "We are going as far as Cleveland,"
17 or "I am going to be here so long." The dispatcher
18 will tell the pilot to come home and come back to
19 station.

20 Occasionally we have an order for another
21 ship, possibly in the same harbour, and the pilot would
22 be transferred from one ship to the other -- again
23 depending on the hour of the day or night and the
24 transportation problem.

25 Q. Now, Captain, in the Port Huron
26 dispatching office have they got dispatching rules --
27 working rules -- that you know of?

28 A. Yes, they have some dispatching rules.

29 Q. Has there been in the past conflict
30 between your office and the Port Huron office in matters



1 English
2 of dispatching, or are there such conflicts at present
3 -- at least, during recent times?

4 A. There is some conflict. This is why
5 we are endeavouring to bring our rules up to date so
6 that everything will be uniform.

7 Q. What is the area in which there has
8 been conflict in recent times?

9 A. Well, the area of conflict is possibly
10 one which you have been talking about, in the matter
11 of detention.

12 Q. In your experience have American pilots
13 been less inclined to spend time in port than your
14 own pilots, or vice versa, or is ^{it} the same for both
15 pilots?

16 A. Well, I don't see much difference.
17 It is primarily a matter of individuals rather than
18 a general one of American or Canadian pilots.

19 Q. In other words, there are pilots
20 that don't spend too much time in port; they take the
21 necessary steps to avoid these detentions?

22 A. Yes, I would agree there are a few.

23 MR. BRISSET: Mr. Chairman, I have a few
24 more questions...

25 THE CHAIRMAN: You will be some time yet.

26 I think we may draw a parallel ~~and~~ this
27 problem with the one existing in Quebec at Baggotville
28 and in British Columbia, on the west coast, at Kitimat
and Prince Rupert. I think we have the same thing.

29 We will now adjourn until 10.00 o'clock
30 tomorrow morning as usual --- ADJOURNMENT

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

St. Catharines Ontario

VOLUME No.:

113

DATE:

March 11, 1964

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Police and Magistrates'
Court Building, St. Catharines,
Ontario, on Wednesday, the 11th
day of March, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. C. I. Mason	Dominion Marine Association
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots

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* * * * *



St. Catharines,
Wednesday,
March 11, 1964

1
2
3 MR. LALONDE: While we have a minute, My
4 Lord, I would like to make a statement in connection with
5 an exhibit which was produced before this Commission.
6 That was a list of comparable pilotage dues amongst the
7 various foreign countries which were produced before
8 this Commission. I have already written to the
9 Secretary of the Commission in this respect.

10 I would like to state in connection with this
11 exhibit the figure as given for American ports are given
12 in American dollars. The transfer into Canadian dollars
13 was not made with the effect that there should be roughly
14 an 8% additional charge put on the figures appearing
15 for the ports of Boston and New York particularly and
16 all other U.S. ports.

17 THE CHAIRMAN: You have the number?

18 THE SECRETARY: It is already noted on the
19 record.

20 MR. LALONDE: I would also like to complete
21 information required about the earnings requested by
22 my friend, Mr. Brisset, earnings in 1959 of the Montreal
23 Harbour pilots.

24 THE SECRETARY: The number of the exhibit,
25 My Lord, to which Mr. Lalonde referred is Exhibit 884.

26 MR. LALONDE: That is comparable pilotage
27 dues.

28 JOHN MANUEL WATSON, recalled, sworn
29 CROSS-EXAMINATION BY MR. BRISSET (continued)

30 Q. Captain, you have already marked on Chart



English

No. 2100, Exhibit 981, the western limits of your field of operations insofar as dispatching is concerned.

I would like you to mark the same chart to indicate to us the eastern limits of the restricted waters, starting at South East Shoal, and for that purpose I would like to read to you the definition contained in the designation under the United States Great Lakes Pilotage Act of 1960. It reads this way, and I quote:

"All United States waters of Lake Erie westward of a line running at approximately 026 degrees True from Sandusky pier head light at Cedar Point to South East Shoal light, all waters contained within the arc of a circle of one mile radius eastward of Sandusky pierhead light."

Using the red pencil, the dividers, would you give us that mark?

A. From South East Shoal light or is that not within the radius --

Q. Within the line that runs on 026 degrees True from the pier light.

A. This line here is actually 027, so that is pretty close.

Q. Would you just put a red line, please?
Thank you, Captain.

Now, Captain, the pilots in your District are called upon, are they not, to go aboard vessels that do not have on board an officer with a B certificate when these vessels proceed, say, to Chicago,



1 English

2 to Lake Michigan, Huron, or to Detour?

3 A. That is correct.

4 Q. Now, I take it that the dispatching
5 of these pilots, either westbound or eastbound, is
6 done at Port Huron, and this is not within the sphere of
7 your operation?

8 A. That is right.

9 Q. However, do you have coordination with
10 the Port Huron office, the dispatching office, to be
11 kept informed at all times where the pilots are, and
12 on what ships that may be so dispatched?

13 A. In our daily report, this occurs at
14 9 o'clock in the morning. We have this liaison
15 that we inform Port Huron as a ship passes Port Weller
16 -- it is routine -- we tell them if a certain ship
17 requires a pilot on the lakes.

18 Likewise, their daily report indicates the
19 ship, and if one of our pilots has taken the ship
20 beyond, they inform us to that effect. If, however,
21 it is one of the pilots assigned exclusively to lake
22 duties and who is not a pilot in District No. 2,
23 we are not informed in that case.

24 Q. It is only when it is the pilot for
25 District No. 2 that you are now informed?

26 A. That is right.

27 Q. Could you give us a general idea of to
28 what extent, in the season of operation, and think back
29 to 1963, 1962 to what extent does this trans-lake
30 service deplete your pilotage material for the Welland



English

1 Canal and the restricted waters of the Detroit River,
2 St. Clair and so forth?

3 A. Well, during 1962 this condition was
4 prevalent, and it was probably common to have six to
5 fifteen of our pilots out of the District during 1962
6 from time to time.

7
8 However, 1963 this condition was reduced
9 very considerably, and it was only in the late fall
10 when the grain rush came on, and generally pilots
11 were detained more than normally, that we had any
12 great aggravation with this problem last year. Also
13 the fact that the American authorities hired some
14 additional men temporarily to alleviate this condition.

15 Q. However, to a certain extent there was
16 a depletion of pilotage material in your District
17 because of this trans-lake work?

18 A. Yes, that is a definite fact.

19 Q. In fact, how long does a normal passage
20 take from Port Huron, say, to Chicago, trans-lake?
21 How many days would the pilot be aboard?

22 MR. JACQUES: Port Huron?

23 Q. From the western end of your district?

24 A. I would say probably 48 hours from
25 the time he would leave Port Huron. Of course many
26 of the ships are faster than that. If he goes directly
27 to Chicago he would be 48 hours, and he probably could
28 return to Port Huron, if he arrived at a propitious
29 time to catch a train, he could be back to Port Huron
30 in 6 to 8 hours.



1 English

2 Q. It will also happen that the trans-lake
3 pilots will remain on board at Chicago, would it not?

4 A. A great many of these ships not only
5 go to Chicago, but they call at many ports. Also
6 in the port of Chicago there may be several movements
7 of the ship before she is discharged and finally loaded
8 again.

9 Q. I understand now in Chicago there has
10 been established a system of port pilots; is that
11 correct?

12 A. The system is established in this
13 respect that if it can be predicted that there is going
14 to be considerable business in the port, that a pilot
15 may be held there, or possibly two pilots may be
16 held on station, but normally Chicago would be serviced
17 by incoming -- or pilots that have arrived there on
18 ships, and they may be transferred from one ship to
19 another to perform services.

20 Although Chicago is a large port, it is
21 not as busy as Detroit, for instance.

22 Q. However, there is the possibility
23 and that has happened in the past of stationing a pilot
24 in Chicago to perform local docking and undocking and
25 shifting?

26 A. This would be very unlikely that this
27 would be a District No. 2 pilot. This would be a pilot
28 who was designated for that work.

29 Q. Would he be taken from your pool or
30 from No. 3 District pool?



1 English

2 A. He would be taken I would say, from
3 the pool that is available for lake work. This would
4 consist of United States trainee pilots for our
5 District or some of the temporary men who have been
6 hired for that purpose.

7 Q. In other words, there is no necessity
8 at the moment to send one of your pilots from District
9 No. 2 to Chicago to do only berthing and unberthing
10 and shifting of ships?

11 A. This may happen, yes.

12 Q. Has it happened last year?

13 A. Yes, I believe it did happen last year.
14 This was during a part of the season when we were not
15 really busy, and we did not have outside men working.

16 Q. Now, Captain, would you agree with me
17 that so far as pilots of your District are concerned,
18 it is not for the good and efficient system of dispatching
19 that these pilots be sent out of their District to
20 go across Lake Huron and Lake Michigan on these
21 extensive trips?

22 A. This has been my opinion for some time,
23 and I have expressed my opinion that I feel our pilots
24 should be restricted to their immediate district.

25 Q. In other words, you agree with me
26 that this practice is wastage of your valuable
27 pilotage material?

28 A. Well, I would not term it a wastage.
29 It is just the case that I feel that our pilots can
30 do work in our District and nobody else can assist us,



1 English

2 whereas we can assist somebody who does not need the
3 same skill shall we say.

4 Q. In other words, it does not require
5 the same skill to go through Lake Michigan and Lake
6 Huron as it requires to transit the Welland Canal
7 course?

8 A. That is my opinion, yes.

9 THE CHAIRMAN: When you say limited to
10 their district, do you mean the Welland Canal?

11 THE WITNESS: No, the District proper
12 from Port Huron light ship to Port Weller.

13 THE CHAIRMAN: Including the intermediate
14 waters?

15 THE WITNESS: Yes, that is right.

16 Q. And these undesignated waters would
17 only include Lake Erie?

18 A. That is right.

19 Q. Now, Captain, assuming if all these
20 instances of wastage -- I call them wastage -- that
21 we have gone over with you since yesterday were
22 eliminated; in other words, if your pilots were not
23 called upon to serve outside their District in the open
24 waters of Lake Huron, Lake Michigan, Lake Ontario, if
25 they were not called upon to serve on these British lake
26 ships that have officers as qualified as our Canadian
27 and American lake ships, if these pilots were not
28 detained or at least if detention was eliminated as far
29 as it is possible, would you consider that you have
30 at the moment sufficient pilots to serve in your District



1 English
2 within its statutory limits?

3 A. Of course, the traffic pattern changes
4 from year to year. Last year our volume was about
5 the same, but the number of ships we had on the daily
6 average above Port Huron was in the vicinity of 35.
7 The previous years our average has been anywhere between
8 45 and 60.

9 This would indicate that there was more
10 work, of course, going on in the District and fewer
11 ships were going outside the District.

12 However, we have 18 ships of the lake ships
13 of British registry which require pilots and they
14 consist of almost a sixth of our dispatches from Port
15 Weller. So it would be reasonable to assume that if
16 our pilots were restricted or confined to their
17 immediate, proper District and the lake boats were not
18 taking pilots, I should imagine that the number of
19 pilots could handle the present volume of traffic,
20 the remaining volume of traffic, rather easily.

21 Q. When you say "lake boats," you mean
22 non-Canadian and non- U.S.?

23 A. Yes, I mean foreign flag, foreign
24 registry, yes.

25 Q. In giving me your answer, Captain,
26 have you also taken into account what I had suggested
27 earlier -- elimination as far as possible of detention
28 in ports?

29 A. I have been giving your report
30 yesterday of the amount of money and hours in detention



1 English

2 some thought. Of course, your figure, I think,
3 would be subject to some qualification in this respect,
4 that as our system has been improving -- however
5 slightly it may appear to some people, it has been
6 improving -- pilots frequently will be in the port
7 of Toledo or in the port of Detroit and they will be
8 called upon to move another ship. Of course, they
9 are still with the ship from which they have not been
10 discharged, but they have been ordered to proceed and
11 move another ship.

12 This is quite common in the port of Toledo
13 because of the fact that there are different elevators
14 there and all ships do not complete their loading
15 at one elevator. And due to the fact that there is
16 very little space for ships to lie waiting to take
17 cargo there, it is necessary that one ship has to
18 move in order for another ship to get in, and this
19 sort of thing. So the pilots when they are on
20 detention are not all the time idle.

21 The same thing applies to Detroit. They
22 might perform movages there. If the pilots were not
23 there I think there would be in some cases -- I fully
24 agree that we are trying to eliminate unnecessary
25 delay and pilots aboard ships, but there are times
26 when it is convenient to have a pilot in a harbour.

27 Q. However, Captain, you do not want
28 to convey to us that when a pilot is on detention on
29 board a ship and the ship pays \$50 per day for the
30 detention the same pilot is used on another ship and



1 English

2 also earns other pilotage fees for shifting or moving
3 that other ship?

4 A. This is correct. However, don't
5 forget that the ship is charged for ten hours and
6 the remaining 14 hours -- if a ship is in harbour for
7 10 hours it will cost him as much as if the ship were
8 in for 24 hours.

9 Q. In other words you are charging two
10 ships for the services of one pilot, one under
11 the title detention and the other under the title
12 movage or shifting, or whatever you call it?

13 A. Well, this happens, yes. It is for the
14 convenience of the ship.

15 Q. Now, Captain, on the average and
16 forgetting the period at the start of the season,
17 say in April, beginning of May, and at the end of the
18 season, end of November, could you tell us how many
19 ships, ocean ships or ships requiring pilots (if you
20 include the British lake vessels) how many ships do you
21 have on the average within the limits of your District?

22 A. I am sorry, I got a little lost there.
23 Do you mean after the end of the season how many ships
24 do I have?

25 Q. Yes. When the season is in full swing,
26 when the season is running, on the average how many
27 ships do you have within the limits, ocean ships --
28 or ships requiring pilots would be a better way of
29 saying it?

30 A. In District No. 2?



1 English

2 Q. In District No. 2?

3 A. Sixty, seventy five. That is within
4 the limits; that is not counting those ships above
5 Port Huron?

6 Q. That is right.

7 A. There probably will be 120 ships or
8 110 ships in the Great Lakes system above the St.
9 Lawrence Seaway.

10 Q. In other words on average you may
11 have from 60 to 70 ships within District No. 2 and
12 100 to 120 ships within the Great Lakes system?
13 I am speaking, of course, of ships requiring pilots?

14 A. That is correct.

15 Q. Do you keep a tab on the position of
16 the vessels at all times?

17 A. We have a card filing system there.
18 Every ship as it comes up has a card and as we dispatch
19 a pilot to it we put the pilot's name on the card and
20 the destination of the ship. As the ship moves up
21 from port to port we keep moving it in a different
22 place in our file. When the ship is above Port
23 Huron, of course, we just file that "above Port Huron."

24 We also have a visual display which is an
25 enlargement of this chart here, which really tabulates,
26 locates the pilots, where the pilots are. We do
27 keep track of the ships, but after they leave Port
28 Huron we do not keep track of the ports and so on.

29 Q. You explained yesterday that you
30 were receiving from Montreal daily, I think, on the



1 English

2 teletype a list of the ships entering the system with
3 their itinerary; is that correct?

4 A Yes, that is usually correct.

5 Q. This is a rather recent arrangement,
6 is it not?

7 A. Last year, yes.

8 Q. I see. Are you aware that this
9 arrangement was suggested by the Shipping Federation of
10 Canada in order to assist in dispatching pilots through
11 the lakes?

12 A. I was not aware of who instigated the
13 idea.

14 Q. You were not aware? You have a
15 similar system in operation for vessels coming down,
16 say, from the Port Huron dispatching office or the
17 Detour office. Do you get daily a list of ships
18 eastbound?

19 A. Not from Detour. We are not connected
20 to Detour by teletype.

21 Q. You are connected to what office west-
22 bound?

23 A. Port Huron. That is the last one on
24 the teletype chain.

25 Q. Do you get any such reports from Port
26 Huron dispatching office?

27 A. We get a report every morning from
28 Port Huron and every afternoon from Port Huron --
29 the number of ships dispatched, the pilots and
30 expected destinations. They do not get an itinerary



1 English

2 eastbound. We generally get the first port.

3 Q. Can you tell me how close is your
4 connection with the Port Huron dispatching office
5 insofar as dispatching is concerned? Is that a
6 24 hour affair or not?

7 A. No. Unfortunately in the past
8 Port Huron has had only one operator, so they operate
9 pretty well from 8 to 5, thereabouts.

10 Q. In other words the Port Huron dispatching
11 office is just on part time duty; is that correct?

12 A. As such they have no dispatching...
13 Of course, the pilot personnel are all around there.
14 They do not operate a teletype, but the teletype
15 machine is left on. If we wish to transmit a
16 message, and we sometimes do this, it will be on the
17 tape. However, we have no way of knowing whether
18 they received it or not until the next day.

19 Q. In other words within the limits
20 of your District you have two independent dispatching
21 offices one working on an 8 hour basis and the other,
22 your office, working on a 24 hour basis?

23 A. That is the situation at present.

24 A. Would you not think, Captain, that it
25 would lead to an improvement in dispatching if all the
26 work was centralized under one authority in one office?
27 In other words would you not think that in this matter
28 a closer tab on the position of ships and the location
29 of pilots within your District would be obtained?

30 A. The first requisite, of course, would



1 English

2 be communications, which are now not continuous.

3 It would be my opinion, yes, that probably one office
4 could do the job better than two offices.

5 Nevertheless, you must have the dispatching site there.

6 Q. Yes, I agree. I am told that in
7 the past it has happened that your office for instance
8 would have no idea where one of the pilots on duty
9 would be, nor where a ship would be. Has that
10 happened in the past, particularly when that ship
11 was west of your line of operation -- that is, west
12 of the line between Port Stanley and Cleveland?

13 A. Well, of course, the last report we
14 would have would be that the ship would be dispatched
15 from Port Weller and we would know that he was bound
16 for Cleveland, Toledo and Detroit. We would know
17 that much, but we would not know whether his orders
18 had been changed on the way up South East Shoal to
19 go to Detroit first and then to Toledo. We would
20 just know that he was going there.

21 Q. And changes of orders in this particular
22 trade are rather frequent, are they not, Captain?

23 A. Yes, that is correct.

24 Q. You have told us that you have four
25 dispatchers in your office. Will you give me their
26 names, and their ages -- that is, whose who were in
27 your office at the end of the season of 1963; their
28 names, their age and qualifications generally?

29 A. William Valance; I believe he is 61
30 years of age. His qualifications?



English

Q. Yes. Let us say, how long has he been in the employment of your dispatching office?

A. He joined on the 1st of April, 1960.

B.G. Heenan; 37 -- I am not sure of his age; I think that is what his age is.

Q. And when did he join?

A. April 1st, 1960. Ronald Willford; approximately 50 years of age; April 1962. At the present time we have a vacancy to be filled. It will be filled from an eligible list.

Q. What are the qualifications set to fill this position, Captain?

A. Well, he should be able to type, although it is not of paramount importance that he be able to type as quickly as a typist would be required to; and to read and write; Grade 10, I believe, his education.

Q. Any other special qualifications?

A. No. I do not think you can expect too many qualifications for that kind of money.

Q. I was leading to that. How much are they paid?

A. Well, they are paid this. We will have a new chap start on the 1st of April. He will be paid at the rate of \$3,210 per year. However, he does not get a year's work. That is the rate at which he is paid, which means he will probably take home about three quarters of that amount. That is to say, that will be his gross pay, about three quarters of that. He will be working about 9 months.



1 English

2 He will accumulate some vacation pay and some overtime.

3 They are on a 40-hour week, so they will
4 make two hours' overtime per week for 3 weeks and
5 the fourth week they would make 8 hours' overtime.
6 Probably in the course of a year they would make
7 another \$175 in overtime.

8 Q. Captain, I see that two of your
9 dispatchers have been with your office since 1960.
10 As regards the two others there has been a change
11 over from one to the other. How many have been in
12 and have left since the office was organized?

13 A. We have the two that are still there
14 and then, of course, we have had six others.

15 Q. That have come and left?

16 A. That is right.

17 Q. Captain, have you anything to say
18 in respect of the qualifications of these dispatchers,
19 or is that left to the authority in Ottawa?

20 A. The qualifications are drawn up by
21 the, I presume, the personnel or Civil Service
22 Commission in Ottawa. I do not know the exact name
23 of the people that do that. They set out, as in any
24 other job they advertise, certain qualifications and
25 they set the pay which they consider is commensurate
26 with the qualifications and the work to be done.

27 Q. Captain, would you agree with me
28 that in your District particularly the operation of
29 dispatching is rather a complex one?

30 A. Yes, I agree that it is, and it has



1 English

2 been becoming more complex every year since we started.

3 Q. Would you not agree with me also,
4 Captain, that to serve as a dispatcher in your District
5 you must be a man of a certain ability and certain
6 experience, that you have to know about shipping to
7 be able to contact agents, speak to agents, discuss
8 problems involving the pilotage services that are
9 required by the ocean ships and so forth? In other
10 words would you consider that the job of a dispatcher
11 in your office is a highly responsible job?

12 A. Highly responsible?

13 Q. Yes.

14 A. No, I would not.

15

16

17

18

19

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25

26

27

28

29

30



1 English

2 Q. Don't you think your dispatchers,
3 on duty in your office, particularly when you are not
4 there -- because I imagine you can't be there 24 hours
5 a day -- would you not agree that these dispatchers
6 have to make decisions, judge situations, that are
7 at times rather complex in order to provide the most
8 expeditious and most economical service to the ship?

9 A. Yes. They have instruction, of course.

10 Q. Captain, would you not be happier
11 yourself, personally, if you had a higher calibre of
12 dispatcher, a man who would be employed for 12 months
13 and would have the feeling that he was fulfilling a
14 responsible job, that he had some security?

15 A. Well, I certainly feel that I am
16 concerned with the welfare of the dispatchers and I
17 have made personal efforts to try and obtain work for
18 them elsewhere in the winter, with no good results;
19 but I have made efforts; and I am concerned with this
20 because I realize that this is a demoralizing
21 condition to find your employment terminating every
22 year.

23 Unfortunately, the long, steady employee is
24 the one who becomes penalized because our dispatchers
25 have become almost dependent upon unemployment
26 insurance in the winter time to exist. With their
27 rate of pay they don't pile up a great deal during
28 the normal course of a season, so they become dependent
29 on unemployment insurance. However, after they
30 become eligible to subscribe to the superannuation --



1 English

2 in fact, I don't think they have any choice -- as
3 soon as they become eligible for superannuation they
4 are no longer eligible for unemployment insurance;
5 so unlike some higher paid people in the country they
6 can't get any financial assistance in the winter time
7 unless they can find work; and they are the type of
8 people who have been in a rather -- well, very little
9 physical work is concerned with their job, so they
10 can't go out and take a construction job in the winter
11 time; and it is difficult to get clerical work for
12 these two or three months.

13 I don't know what I would do with them.
14 So far as I am concerned I wouldn't have three or
15 four people sitting around in the winter time playing
16 cards, but I would like to see them taken care of.

17 Q. Would you also agree with me, Captain,
18 that there would be advantage in keeping a man on the
19 job over a period of years so that he could gain
20 experience and use that experience to good advantage?

21 A. I am thoroughly in accord with that idea,
22 because it makes a good deal of work for me in the
23 middle of the season if I have to break in a new
24 dispatcher; and that means that I have to be standing
25 there watching him.

26 Q. Captain, are you aware personally --
27 and before I go further I want to preface my question
28 with the statement that if we appear to criticize we
29 are directing this at the system -- are you aware that
30 the shipping industry -- and I am speaking of the ocean



English

1 shipping industry -- utilizing pilots, is not at all
2 the
3 satisfied with/dispatching system and the procedure in
4 your district, and that the Shipping Federation itself
5 has offered last year to take over dispatching in
6 your District until it could be put back on the rails?

7 A. Well, I am not aware of it just in
8 those words. I might comment that I would be a very
9 willing spectator.

10 Q. I am glad to hear that you would be
11 so willing. However, you were not informed by your
12 superiors that this proposal had been made?

13 A. Well, I have been informed informally
14 that some times the Shipping Federation were unhappy.

15 Q. But the exact proposal was not
16 communicated to you?

17 A. No.

18 Q. Captain, generally speaking, insofar
19 as the pilots that you are dispatching from your own
20 office are concerned, can you give us an idea of the
21 time that elapses between each assignment? I am
22 not speaking of peak periods or at the beginning and end
23 of the season, but generally, when the season is in
24 swing?

25 A. Probably about 24 hours. Now, of
26 course, when we changed our system last year, or when
27 we started relieving pilots at Lock 7, it necessarily
28 shortened up the pilots' working period; it also
29 shortened his rest interval, because we use more
30 pilots doing the same job.



1 English

2 Q. Do I understand you to say that
3 before the change over at Lock No. 7 it was 24 hours,
4 but now since the change over at Lock 7 it may be
5 somewhat less?

6 A. It could be somewhat less. I don't
7 keep these records any more. This is done by the
8 machine in Ottawa, and I don't attempt to keep them
9 unless I am asked in specific instances.

10 Q. With respect to the detention of pilots
11 in port, do you keep records, or is that kept also in
12 Ottawa?

13 A. The information from the pilot source
14 forms, or pilot cards, is processed in Ottawa.

15 Q. You don't do the processing yourself?

16 A. No.

17 Q. Do you get from Ottawa reports on the
18 statistics they may have prepared, for instance, in
19 the case of detentions?

20 A. I have had reports. I don't think I
21 have had any this year; but I have had other years
22 a survey of detentions.

23 Q. Did you get that survey because you asked
24 for it, or was it simply sent to you?

25 A. The one I have in mind was sent to me;
26 I think possibly it was two years ago.

27 I sometimes ask for the report. I have
28 asked for the report this year because I was interested.
29 However, because of delays -- our source forms go
30 directly to Ottawa, but the U.S. source forms go to



1 English

2 Washington and then to Ottawa, and their seems to be
3 considerable delay before they are processed.

4 Q. Do you receive from Ottawa, Captain,
5 reports analyzing your work, for instance, during the
6 year, and pointing out that in this field there could
7 be improvement and in that one you have been doing
8 very well, and so forth -- some guidance of some kind?

9 A. No; I get very little.

10 Q. Again I would ask you to give us
11 average figures: What is the normal length of a
12 passage through the Welland Canal? I want a very
13 rough estimate?

14 A. You mean from Port Weller to Port
15 Colborne, or from...

16 Q. I am thinking of the hours of a pilot
17 from the time he boards outside Port Weller in Lake
18 Ontario until the time he gets off.

19 I know it varies considerably, but I am
20 sure you will be able to...

21 MR. LALONDE: If it will help my friend,
22 I will be in a position to file a detailed analysis
23 of pilotage over a full year for the Welland Canal
24 itself, so then he might have more details and refined
25 information than a general average.

26 THE WITNESS: I believe last year, or,
27 rather, in 1962, a figure was obtained of about 15 hours.

28 MR. BRISSET: Q. You mentioned during
29 the course of your evidence yesterday a case that you
30 had investigatéd and pointed out that ahead of the



1 English
2 vessel was a large vessel, the MURRAY BAY, and I think
3 you remarked that, of course, it would be a slow
4 passage. Are the large lakers taking more time than
5 other ships -- say ocean ships -- of lesser size?

6 A. Well, I would think that a large lake
7 ship will take consistently about the same time all
8 the time; let us say, 12 hours from lock to lock.

9 This is a pure matter of the speed at which
10 you can move a body of a certain size through a volume
11 of water.

12 Q. Now, if the pilot, say, of an outbound
13 ship was picked up at the tie-up wall and was left
14 at the other end at Lock No. 8, by how much time would
15 the passage be reduced -- pilotwise, I am speaking of?
16 Would you take off 2 hours or 3 hours?

17 A. On an up-bound trip I would say a
18 possible 2 hours.

19 Q. And on a down-bound trip?

20 A. That would be very difficult to assess.
21 I mean, there is nearly always ships waiting at the
22 wall above Lock 8, and ... You mean the pilot would
23 board at Lock 8?

24 Q. Or, I mean, at the tie-up wall.

25 A. Well, let us say about the same time;
26 possibly you might save two hours on the entire trip.

27 Q. You were asked by Commissioner Smith
28 about the twinning of the locks in the Welland Canal
29 in connection with the iron ore trade and the depletion
30 of the Messabi Range. I think you conceded, if I



1 English

2 remember well, that if the Steel Company and Dominion
3 Steel and Coal were to bring their ore from Labrador,
4 then, of course, there would be a lesser number of
5 their vessels going through the Welland Canal; but, on
6 the other hand, would you not agree that there would be
7 also a considerable increase of iron ore movement
8 through the Welland Canal going to the American ports,
9 which would probably more than take over the slack?

10 A. It is my understanding that the U.S.
11 Steel Corporation, who are interested in Cartier
12 Mining and the Hannah people, are still interested in
13 buying their own ore, and this ore is going anywhere from
14 Buffalo to Detroit.

15 Q. In other words, there would be less
16 Canadian-consumed ore going through the Welland Canal
17 but more American-consumed iron ore? Is that putting
18 it fairly?

19 A. Yes, that would be fair.

20 Q. Now, Captain, I want to come to the
21 change over at Lock 7, which was put into operation
22 last year. Would you tell us what brought about this
23 change-over? Can you relate the circumstances under
24 which this came about?

25 A. Well, on the basis of a survey and
26 a tabulation of working hours which we acquired in 1962
27 the Department was made aware of, and agreed that the
28 average duration of pilotage duty in the Welland Canal
29 was excessive and it was considered physically impossible
30 to maintain this working schedule. Therefore, it was



1 English

2 decided to split the job as nearly as possible in half,
3 and it was decided that Lock 7 was the place -- it
4 could have been Lock 6 -- but Lock 7 was a good place
5 to make the change.

6 Q. Now, when you say "it was decided,"
7 was it decided by you, or was this decision communicated
8 to you by your superiors in Ottawa?

9 A. Well, this decision was communicated to
10 me by my superiors, of course.

11 Q. Now, a request must have come, I
12 imagine, from somebody for this change in the method
13 of operation. Are you aware whether the request, if
14 there was any, came from American pilots or Canadian
15 pilots or both?

16 A. The request came primarily from Canadian
17 pilots, if you wish to call it a request. They merely
18 stated that they were working too hard.

19

20

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1 English

2 Q. I say "request" because it has
3 been pointed out to us we should not say "demand".

4 A. Well, probably it would not be
5 proper either. It certainly was brought to the
6 attention of the Department officials that this was
7 a condition. Also I am quite certain that a great
8 many of the American pilots agree that under certain
9 conditions the entire passage of the Welland Canal
10 is too much for one man.

11 This is aggravated seriously when
12 a pilot comes down and has to return back up again. It
13 wouldn't be too bad if he went through the Canal and
14 then had a period of rather less arduous duty, but when
15 he takes a ship from Port Colborne to Port Weller, and
16 with a minimum of rest is required to turn around and
17 do the same procedure over again, this is much more
18 difficult to work 12 hours on and 12 hours off and work
19 another 12 hours than it is to have 12 hours off and 12
20 hours ^{on} /and 12 hours off, if you get what I mean.

21 Q. Will you explain to us how the
22 procedure was set up; how it is operating? I am
23 speaking of the operation side now. How do you work
24 it out?

25 A. We have instructions for this, and
26 the pilots on upbound ships are advised and have been
27 advised to call the dispatcher in sufficient time to
28 call a pilot to effect relief in Lock 7.

29 We are dependent, of course, on the
30 pilot's judgment in this respect, and sometimes it is



1 English

2 difficult to know for sure when the Canal Authority may
3 decide to turn a Lock back, and so on, and this is the
4 only way that we can operate that I can see. We have
5 to depend on the pilot's judgment, so the pilot tells
6 us to have a relief there for a certain time.

7 Q. How are you advised, by radio-tele-
8 phone?

9 A. By radio-telephone, yes, so when
10 the ship does reach Lock 7 and the relief boards the
11 ship, as soon as the relief pilot assumes duty in
12 Lock 7, he again informs the pilot office when he has
13 assumed duty, and we mark the pilot who has been relieved
14 as free, so he is on rest as of that moment.

15 Q. How does the pilot proceed to Lock 7,
16 the relieving pilot? Does he leave from the Port Weller
17 office or from his home, or what?

18 A. From his residence.

19 Q. From his residence? He is notified
20 at his residence?

21 A. That is right.

22 Q. Now, the pilot who is relieved at
23 Lock 7 proceeds where? Does he proceed to the post
24 or back to his home or whatever place he stays?

25 A. He usually proceeds to his residence.
26 If it is not too inconvenient he will pass by the pilot
27 office. Usually he will turn in his source form.

28 Q. What is the method of transportation
29 used mainly to proceed to and from Lock 7?

30 A. Taxi.



1 English

2 Q. Who pays for the taxi fare?

3 A. This is paid by the Department.

4 Q. Out of the revenues of the District?

5 A. That is correct, yes.

6 Q. In other words, the transportation
7 of the pilots effecting the changeover at Lock 7 is
8 paid out of the \$200.00, the flat rate paid by the ship?

9 A. That is correct.

10 COMMISSIONER SMITH: My Lord, Mr.
11 Brisset, while you are getting ready for the next
12 question I would like to ask the witness about these
13 dispatchers. I understood him to say, and you interrupt
14 and correct me if I am misquoting you, that these
15 dispatchers were paid \$3,200.00 a year or at the rate
16 of \$3,200.00-odd a year. Now, is that after they have,
17 if they do, passed the Civil Service competitive
18 examinations? Is that rate fixed by the Civil Service
19 Commission?

20 THE WITNESS: That is the rate
21 quoted. It starts at \$3,200.00 and it works up to
22 \$3,600.00. \$150.00 annual increment.

23 COMMISSIONER SMITH: \$3,600.00
24 maximum?

25 THE WITNESS: That is the maximum
26 rate, yes.

27 COMMISSIONER SMITH: Rate per year?

28 THE WITNESS: Yes.

29 COMMISSIONER SMITH: They do not
30 get that; they get two-thirds of that, do they?



1 English

2 THE WITNESS: Well, about three-
3 quarters of that.

4 COMMISSIONER SMITH: In the adver-
5 tisement for the competition, what are the qualifications
6 outlined that the competitor must meet to pass the test,
7 do you remember?

8 THE WITNESS: I am sorry, I do not
9 have a copy with me, sir, but I know that the qualifi-
10 cations as set out in the competition are in excess of
11 what a dispatcher really does. They say a dispatcher
12 should be able to financially calculate the dispatching
13 and other duties of that nature, which he does not do.

14 COMMISSIONER SMITH: The qualifi-
15 cations are above the actual requirements of his
16 activities or his position; is that right?

17 THE WITNESS: Yes, that is right.
18 The qualifications are considerably higher, I would say,
19 than the job as it is being done.

20 COMMISSIONER SMITH: All right,
21 thank you, Captain.

22 Q. Captain, there is just one other
23 aspect of your operations that I would like to review
24 with you. It is that of discipline. Would you agree
25 that in matters of discipline it is important that a
26 quick decision be taken? In other words, if there is
27 a breach of discipline, it is not good that the decision
28 as to whether a man should be reprimanded, suspended,
29 and so forth, that the decision, as I say, should be
30 delayed for months and months; giving evidently to the



1 English

2 man concerned a chance to defend himself?

3 A. Well, I believe this is one of the
4 pillars of British law that a man should be tried as
5 soon as possible and it should not hang over his head
6 for a long time. I agree with that statement.

7 THE CHAIRMAN: But with regard
8 to the Corporation, because the purpose of discipline is
9 not only to punish something that was wrong but also
10 for the betterment of the dispatch of the work. You
11 have two purposes I suppose to discipline.

12 THE WITNESS: Yes.

13 THE CHAIRMAN: So in that case,
14 the expedition of discipline, wouldn't it be better
15 than that it lags for weeks and months.

16 THE WITNESS: Well, our prime
17 consideration, of course, at the operational spot we
18 are in is simply the movement of ships and with the
19 least interference. It would appear that sometimes
20 action should be taken quickly to prevent the spread
21 of an infection or something like that.

22 THE CHAIRMAN: And this is the case
23 you reported before?

24 THE WITNESS: Yes.

25 THE CHAIRMAN: Where you thought
26 that speedy disciplinary action had to be taken in order
27 to stop that practice that was creeping in?

28 THE WITNESS: However, there are a
29 few regulations here which it is not just as easy -- or
30 I shouldn't say "easy" -- nobody would like to have to



1 English
2 discipline anyone if they could avoid it I guess, but
3 let us say it is a little different operation with
4 the public service than is the case in private industry.
5 I presume that possibly that would be maybe your method
6 of operation, but I have to operate by or try to comply
7 with the Department's rules or opinions.

8 Q. Will you agree with me, Captain, that
9 there may be minor offences or minor breaches of
10 discipline and major ones? To give an illustration of
11 a major one, would you consider to be inebriated while
12 on duty is a major breach of discipline?

13 A. That is correct, yes.

14 Q. In such a case you would think that
15 the man responsible for such a breach should be taken
16 off the list until the matter is fully investigated,
17 the list of assignments?

18 A. Well, this would depend a certain
19 amount on evidence. If somebody called me from Chicago
20 and said Pilot So and So was drunk, I am not going to
21 suspend that pilot right like that.

22 Q. I agree with you, but once you have
23 satisfied yourself that prima facie there is reason to
24 lay credit on a report you have received, even before
25 you can complete a full investigation, would you agree
26 that possibly it would be preferable if the person
27 concerned were taken off the list of assignments until
28 your investigation is complete?

29 A. This, I believe, is proper procedure.

30 Q. Now, you have referred to one case of



1 English

2 inebriation on board. I think it happened in 1962. A
3 pilot on board a ship coming out of Chicago. You have
4 told us that the offence resulted in a penalty con-
5 sisting of a suspension of five days. Do you recall
6 this case now?

7 A. Yes.

8 Q. The ship, I take it, was a ship that
9 had not on board an officer with a B licence?

10 A. No, the ship had a B licence, but
11 they were reluctant to use it. They still wanted a
12 pilot.

13 Q. I see. Are you aware of the
14 procedure followed by the U.S. Coast Guard in matters
15 of discipline?

16 A. Not thoroughly. I am not conver-
17 sant with them, let us say.

18 MR. BRISSET: My Lord, I would like
19 to file a decision of the U.S. Coast Guard involving
20 the cancellation of the licence of a pilot because it
21 was found that his habits were not temperate. This
22 decision was rendered on October 8th, 1963.

23 I simply want to file it because
24 the decision shows the processes of the Coast Guard,
25 not only in its investigations, but also to arrive
26 at its final decision, and the procedure also followed
27 to permit the pilot concerned to present his defence,
28 and so forth, and to appeal.

29 THE CHAIRMAN: I would not be
30 surprised that this would be the one that we have seen



1 English

2 posted in Port Huron.

3 MR. BRISSET: I don't recall it.

4 THE CHAIRMAN: In any event, the
5 dates would be about the same.

6 MR. BRISSET: It was in District #2,
7 an American pilot.

8 COMMISSIONER SMITH: Was it appealed
9 from? Was there any appeal?

10 MR. BRISSET: No. The pilot
11 concerned did not appeal.

12 MR. LALONDE: Is it shown in the
13 decision?

14 MR. BRISSET: It is shown in the
15 decision.

16 THE CHAIRMAN: I suppose that will
17 come under the number 1027.

18 ---EXHIBIT NO. 1027: Decision of U.S. Coast Guard
19 rendered on October 8, 1963.

20 MR. JACQUES: Since we are now
21 dealing with American procedure, I should like to file
22 in a bundle several regulations, American Great Lakes
23 Pilotage Regulations and others. I might perhaps give
24 a list now of all these documents.

25 The first document will be Public
26 Law 86, which is the Great Lakes Pilotage Act.

27 The second document is Designation of
28 Restricted Waters under the Great Lakes Pilotage Act
29 of 1960. All documents which will be listed would be
30 American documents.



1 English

2 The next one is Department Order
3 #169, Revised, dated November 13, 1962.

4 Great Lakes Pilotage Regulations
5 and Rules and Orders, Title 46, Parts 401 and 402.

6 Merchant Marine Safety Manual,
7 Chapter 10, Casualty Investigations.

8 Commercial Vessel Casualties,
9 and Commercial Vessel Personnel Injuries and Deaths
10 not involving a Vessel Casualty.

11 Then Marine Investigation Regulations
12 and Suspension and Revocation Proceedings.

13 Revision of Suspension and Revocation
14 Proceedings.

15 To complete a full set of documents,
16 there is the Treaty between the United States and
17 Great Britain relating to boundary waters, dated January
18 11th, 1909.

19 Attorney General's Manual on
20 the Administration Procedure Act.

21 ---EXHIBIT NO. 1028: Department Order #169, Revised,
22 dated November 13, 1962;

23 Great Lakes Pilotage Regulations
24 and Rules and Orders, Title 46,
Parts 401 and 402;

25 Merchant Marine Safety Manual,
26 Chapter 10, Casualty Investigations;

27 Commercial Vessel Casualties and
28 Commercial Vessel Personnel
Injuries and Deaths not involving
a Vessel Casualty;

29 Marine Investigation Regulations
30 and Suspension and Revocation
Proceedings;



English

Revision of Suspension and
Revocation Proceedings;

Treaty between the United States
and Great Britain dated January
11th, 1909;

Attorney General's Manual on the
Administration Procedure Act.

RE-CROSS EXAMINATION BY MR. LALONDE:

Q. I will be much shorter this time,
Captain Watson. You have been asked whether you were
receiving from Ottawa reports as to the way you were
running your operations and suggestions for improve-
ments. I think you said you did receive such reports;
is that correct?

A. I do not think I have received a
report for two years. However, I must say that I
received admonition and advice and instruction by letter
from time to time concerning various phases of the
operation or my interpretation of some things.

Q. Did this follow local investigations
by the officers in Ottawa on the operation within the
District itself?

A. No, I would not say so.

Q. Do you know of anybody in Ottawa
who has been responsible for the operation of this
District here for at least a few months -- that is,
who had practical experience in how this District is
operating here?

A. Not since I have been here, but
of course nearly all the people in -- certainly my



1 English

2 immediate superior in Ottawa has been Supervisor in
3 another District and I think has been a pilot.

4 Q. You mean all?

5 A. My immediate superior in Ottawa
6 has been a Supervisor.

7 Q. You are referring to whom?

8 A. Captain Seeley.

9 Q. I understand he has never been on
10 the Great Lakes?

11 A. There is no one up here, no.

12 Q. He has never been up here before?

13 A. No.

14 Q. I notice you try to find work for
15 the dispatchers in the wintertime to help their lot.
16 I also notice on the basis of the information you gave
17 that a dispatcher would start at the imposing salary
18 of \$2,400.00 a year with maybe \$175.00, as you said,
19 in overtime. Did you make yourself representations
20 in Ottawa about what could indeed be called the
21 shameful conditions under which the government employed
22 these dispatchers?

23 A. I have written a letter on this.
24 This has been brought to the attention of our people
25 in Ottawa by other Supervisors as well as me. However,
26 in our case I think we are the only -- it is just in
27 the Lakes district where these people are not all year
28 round.

29 Q. I suggest to you there are other
30 Districts such as Cornwall and Montreal where they are



1 English

2 employed only for nine months of the year.

3 A. I was including Cornwall. This is
4 a Great Lakes District. I was embracing that in my
5 opinion.

6 Q. Montreal also?

7 A. Montreal, of course, as I understand
8 it has a little longer season because ships are operating
9 out of Montreal much later than they are out of the
10 Seaway, and I understand they open earlier in the
11 spring. Well, they are even running all winter now,
12 so I hear, so somebody must be around there. By the time
13 they use up their holiday leaves and so on they have
14 a much greater period of employment than our people have.

15 Q. Since you made these representations
16 to begin with, do you know whether the same salary scale
17 applies to the other dispatchers, however, or whether
18 they have a lower salary scale since they can work
19 longer?

20 A. No. This is the category "transport
21 operating clerk 1". Some other pilot office may have
22 an operating clerk 2. I do not know whether they go
23 any higher than that; I do not think so.

24 Q. What answer did you get following
25 your representation? Was it that the government did
26 not have the money to pay for more than that or what?

27 A. Well, certainly our Department
28 expressed concern similar to my own and the concern of
29 other Supervisors. However, there is a body in Ottawa
30 whose job it is to assess how much everybody is worth



1 English

2 and

3 Q. To study all that?

4 A. They study all that. I suppose
5 they are the people who have their final say in it. If
6 they say that this is sufficient money, why, that is
7 the picture.

8 Q. You also stated the fact that if
9 an employee worked for a certain number of years he
10 was losing his entitlement to unemployment insurance.
11 Do you know how many years he would have to work before
12 he would be losing this benefit?

13 A. He would have to work 24 months,
14 which would take a dispatcher about three years.

15 Q. And once he has achieved this
16 seniority he is losing his unemployment insurance rights?

17 A. That is correct.

18 Q. Have you made representations in
19 this respect?

20 A. Yes.

21 Q. What was the answer; do you know?
22 Did you get an answer?

23 A. I was told: "That is the way it is".

24 Q. In connection with the detention in
25 Detroit and Toledo, is it not a fact that when a pilot
26 leaves a ship aboard which he is detained in Toledo for
27 instance and goes to move another ship he books off
28 from the first ship on his pilotage card and makes the
29 movage and goes back and shows when he has completed
30 the movage?



1 English

2 A. I think probably that is correct.

3 He could be on the ship for 10 hours anyway; that would
4 not make any difference.

5 Q. That is a point. If all told he has
6 been on the ship for 10 hours it would amount to \$50.00
7 anyway?

8 A. That is right, yes.

9 Q. When a pilot gets past Cleveland,
10 let us say, on the upward run, you said that you were
11 not informed then of his whereabouts exactly. Is it
12 not a fact that the Port Huron office, however, is then
13 informed of his activities?

14 A. That is the procedure as set out,
15 that they inform Port Huron.

16 Q. And if you wanted to know specifically
17 where such a pilot was or what he was doing you would
18 only have to contact Port Huron to get the information?

19 A. That is what we would do, yes.

20 Q. Do you have a teletype communication
21 between Port Huron and your office?

22 A. That is right.

23 MR. BRISSET: Does that teletype
24 work 24 hours a day with Port Huron?

25 THE WITNESS: No.

26 MR. BRISSET: So it would have to
27 be within the 8 hours of duty?

28 THE WITNESS: Of course they would
29 use the telephone. There would be somebody in the
30 office but not the operator, not the dispatcher. There



1 English
2 would be somebody in the office unless they were out
3 with the ship. If they were out taking a pilot off
4 a ship there would be no way of contacting them at that
5 time.

6 MR. JACQUES: Your dispatchers
7 are civil servants and not daily rate employees, are
8 they not?

9 THE WITNESS: They are classified
10 as civil servants, seasonals.

11 MR. LALONDE: Q. Is it not a fact
12 that at Port Huron the pilot boat operators are there
13 where the teletype is; is that correct?

14 A. I believe that to be the case. They
15 sometimes wait there. They may wait in Sarnia sometimes
16 too; I do not know.

17 Q. Have you had instances where if you
18 had an urgent call on the teletype the pilot boat
19 operators would see to it that it would be conveyed
20 to the proper person?

21 A. Normally after hours, after five
22 o'clock or after the operator in Port Huron has indicated
23 that he is through for the day, if we have communication
24 which is urgent, then we would do it by land telephone.

25 Q. I see. Then you can communicate
26 with the dispatcher at Port Huron anywhere -- at his
27 home or something of the sort?

28 A. We never have. We only contact
29 the office there. If I have something of that nature
30 I would contact Mr. Parent or Mr. Crawford at their



English

1 home.

2 Q. For the last three years of
3 operation -- is that correct; two years and a half,
4 say?

5 A. Two years.

6 Q. Did you have any instances where
7 the fact that the office would close at five o'clock
8 at Port Huron caused a great inconvenience to the
9 operation of pilotage?

10 A. There are many times when I would
11 prefer to be able to contact the dispatcher up there
12 direct. Sometimes we require something -- we will
13 say pilots to make the early morning train -- and
14 sometimes we can contact the boat man there, but he
15 may or may not give the order. He is certainly not
16 responsible. Therefore it would be more satisfactory
17 if there was a responsible person in their office.

18 Q. Have there been cases where you
19 wanted to reach either Mr. Parent or Mr. Crawford
20 and you have not been able to reach them and you used
21 the boat operator to get messages which were of an
22 urgent nature?

23 A. Offhand I could not recall when I
24 could not get in touch with somebody.

25 Q. You said sometimes you would have
26 liked to contact somebody responsible. Do you work
27 yourself up to five o'clock?

28 A. Very often.

29 Q. What are your working hours normally?

30 A. My working hours are -- well, I



1 English

2 generally work about eight to five.

3 Q. So the cases you would refer to
4 would be cases where dispatchers would like to contact
5 other dispatchers; is that it?

6 A. Something like that. But in my
7 office, in the office at night, if we have new
8 dispatchers or if I think the situation is getting a
9 little exciting, why, I go down to try to give a hand
10 or to see what is going on.

11 Q. But offhand you cannot recall any
12 instances where you could not reach by phone anybody
13 who was in a responsible situation at Port Huron?

14 A. No, not ---

15 Q. Which would mean that in effect no
16 serious inconvenience was caused by the fact that the
17 Port Huron office operates only from nine to five? What
18 is it -- nine or seven to five?

19 A. Well, he gets in there, I suppose,
20 maybe seven-thirty. In the summertime, of course, they
21 have been usually an hour later than this. They
22 generally stay on standard time and of course they
23 are there an hour later at night then.

24 Q. I think you said that the pilots
25 merely complained of their working conditions in 1962
26 but they did not make a specific request for changeover
27 of pilots at Lock 7; is that what you indicated?

28 A. Yes, that is my impression. I
29 think they wanted to change. I do not think that they
30 had specifically stated this. Maybe they did. However,



1 English

2 I know that this was my opinion, that a specific place
3 should be chosen rather than a time interval, which
4 we had tried to work the season previously and it was
5 unsatisfactory.

6 Q. I understand now that you are not
7 sure whether the pilots did actually ask for this
8 specific changeover or not?

9 A. No, except that I am sure that they
10 did ask that they be changed, that they be broken up.

11 Q. In a case where you have a serious
12 incident reported to you, let us say in Chicago or
13 Detour, and you would like to investigate that case,
14 how long would it take you before you had completed
15 your investigation normally?

16 A. What are you referring to --
17 disasters?

18 Q. No, no, this conduct of a pilot,
19 for instance, to follow the example given by my friend,
20 Mr. Brisset. Then you would have to interview the
21 pilot and I presume to interview the Master of the
22 ship or an officer of the ship?

23 A. That is right, yes.

24 Q. And maybe somebody at the dispatching
25 station?

26 A. That is right. We would have
27 to gather all the information possible in connection
28 with the case. This would take some time.

29 Q. Before you reached all these persons,
30 could this take up to two weeks sometimes?



1 English

2 A. Yes, I would say that would not be
3 unreasonable.

4 Q. Would you think this would be a
5 wastage of pilotage material, if you were to keep a
6 man for two weeks off the list while you are making
7 this investigation which may prove to be fruitless
8 in a way?

9 A. Yes, that is correct.

10 Q. You mentioned this ship in Chicago
11 which had a B licence on board and would take a pilot
12 anyway. Did you make any survey of the number of
13 instances where ships having B licences on board would
14 want to have a pilot anyway?

15 A. No, I never made a survey of that.

16 Q. Would you have any idea whether this
17 occurs only once in a while or rather often?

18 A. No -- probably six or ten times
19 in a year would be about all.

20 Q. Why do you think these ships would
21 take them?

22 A. Well, in some cases the holder of
23 the B certificate aboard the ship is not the Master
24 and sometimes the Master is reluctant to place the
25 responsibility of a ship in the hands of the second mate.

26 Q. But you have not made any survey
27 yourself; you never checked into this matter -- whether
28 ships with B licences would use pilots?

29 A. No, I have not kept track of it.

30 Q. On what do you base yourself this



1 English

2 six to ten? Would you know whether the ships have a
3 B certificate on board all the time? On what basis
4 do you make such a statement?

5 A. We get a list of the ships where
6 B certificates are provided, or ships whose officers,
7 some of their officers or all of their officers have
8 B certificates.

9 Q. Yes?

10 A. We mark these ships and of course
11 if we see this ship going above Port Huron with a
12 pilot on, this excites our curiosity. We do not
13 question it but we just notice it.

14 Q. I presume the people who would be
15 more aware of this would be the people at Port Huron
16 who do the dispatching from that place?

17 A. They may be. I do not think they
18 are any more aware of these ships than we are because
19 we keep all the records and we keep records of pretty
20 well everything if possible in that way. We have the
21 ships that are marked and are categorized. I do not
22 think they attempt to do that sort of thing.

23 Q. If a ship is transmitted from Detour
24 from the Lakehead from District 3, would you be aware
25 whether the ship with a B certificate on board has
26 also a pilot on board?

27 A. No, we would not be aware of that.

28 Q. I understand that there is a certain
29 number of pilots confined to lake work exclusively
30 on Lake Michigan, Huron and Georgian Bay; is that correct?



English

A. Yes, there are some.

Q. Do they come from District 3 or District 2?

A. We have both. District 3 pilots were working on the upper lakes, Lake Huron and Lake Michigan, for a considerable portion of the time last summer. They were of course under the jurisdiction or direction of Port Huron and their satellite office in Chicago when they were down on Lake Huron and Lake Michigan.

Q. But I would like to clarify this. You know that on Lake Ontario you have at present six, let us call them lake pilots?

A. Yes. They are registered specifically for that purpose.

Q. And they come under the jurisdiction of Cape Vincent and a part of District 1 really?

A. Yes, that is right.

Q. My question is whether you have lake pilots on Lake Huron and Lake Michigan coming under District 2 on the same basis as you have lake pilots coming under District 1?

A. Yes. These are temporary registrations.

Q. How many have you got under District 2?

A. I do not know right at the moment. I am sorry, I cannot give you that information.

THE CHAIRMAN: Are they Canadians or



1 English

2 Americans?

3 THE WITNESS: Americans.

4 MR. LALONDE: Q. Would you know
5 whether there are some other lake pilots in the same
6 area coming under District 3?

7 A. Yes, there are.

8 Q. So you have a certain number of
9 lake pilots operating in that area who are coming
10 either under District 2 or under District 3 jurisdiction;
11 is that correct, as far as you know?

12 A. Yes.

13 THE CHAIRMAN: Do you have still
14 some questions to ask?

15 MR. LALONDE: Just a few, but we
16 might adjourn now.

17 THE CHAIRMAN: I have a few too.
18 We will adjourn for ten minutes.

19 ---SHORT RECESS
20
21
22
23
24
25
26
27
28
29
30



1 English

2 MR. LALONDE: Q. I have a few questions
3 about this business of detention in Detroit, Captain,
4 Isn't it a fact that Detroit is a rather congested
5 harbour?

6 A. This is the fact, yes.

7 Q. And isn't it the fact that there are
8 not enough docks to cope with the number of ships which
9 are wishing to go that city?

10 A. That is the case. In rush periods
11 they often have to anchor in the stream.

12 Q. And it is a fact, isn't it, that the
13 detention which occurs at that particular port is,
14 indeed, detention coming from ships being forced to
15 anchor for several hours in the St. Clair River and
16 having to wait for some room in the docks?

17 A. This is part of the reason, yes.

18 Q. And also isn't a fact that it is
19 required by the United States Coast Guard that in this
20 narrow channel there should be a pilot on board while
21 the ships are waiting for a dock?

22 A. Not to my knowledge.

23 Q. You don't know that?

24 A. It is my understanding that they are
25 not required to remain on board.

26 Q. Do you know where the anchorages are
27 at Detroit where the ships are waiting? I notice
28 that there is an anchorage area on Exhibit 987, which
29 is indicated on the Chart.

30 A. That is the specified area, but I don't



1 English

2 believe that it is completely adhered to. Sometimes
3 it doesn't provide enough room.

4 Q. Do you know where they anchor?

5 A. Sometimes they anchor below the dock.

6 Q. Are you personally aware of this
7 situation, or should I ask a pilot who has been in
8 that district to identify these particular spots?

9 A. Well, I have been in the district and
10 I have seen ships anchored; I can tell you that.

11 Q. Where would that area be? Will you
12 indicate it in red on the chart.

13 A. I have seen ships anchored about here
14 (the witness indicated the point in red, with the
15 letter A.)

16 I have often seen ships anchored here (the
17 witness indicated the point in red with the letter B.)

18 And I have seen them around the Ojibway area,
19 I believe, on the Canadian side. It is not the
20 prescribed area but I have seen ships anchored there.

21 Q. It has been mentioned that some
22 companies operating foreign flag lakeships were
23 were requiring their masters to do all the piloting even
24 although they were required to have pilots on board,
25 I think you said?

26 A. Yes.

27 Q. Are you also aware that some masters
28 are requiring the pilots to do all the pilotage since
29 they have to pay for it in those cases?

30 A. All the pilotage where?



1 English

2 Q. They are required to have pilots on
3 board -- those foreign flag lakeships?

4 A. I am not aware that there are pilots
5 who have been handling the ships -- doing all the ship-
6 handling in the Welland Canal.

7 Q. Have you been aware that some masters
8 were doing all the handling into the Welland Canal?

9 A. Well, the expression -- the pilots'
10 own expression -- is "The armchair job." I don't
11 have any information that they did not do all the
12 handling, nor do I have information that they do
13 any handling.

14 Q. It has been suggested that one way to have
15 improvement in the dispatching procedures was to
16 reduce the number of hours of detention in the district
17 aboard ships. Would you think that increasing
18 the detention tariff by four times would be an incentive
19 to reduce the detentions in the district?

20 A. Well, I hadn't just thought of that
21 exact figure, but it has often occurred to me that if
22 the penalty were severe enough then certainly when
23 detention wasn't necessary the ship master, or the
24 owner, would be much more concerned about this cost
25 and would insist that pilots be dispensed with.

26 Q. Have you any idea about the number
27 of trips done by district pilots outside district No.
28 2 during the course of last year?

29 A. The number of trips that district No. 2
30 pilots have done outside of their district?



1 English

2 Q. Yes. That is, outside the area
3 between Port Weller and Port Huron?

4 A. No, I haven't totalled that figure up.
5 I have these figures, but I haven't totalled them up.
6 I may say I know it doesn't compare with the previous
7 season.

8 THE CHAIRMAN: Do you know why it doesn't
9 compare -- why there was an improvement there?

10 THE WITNESS: Well, in the first place,
11 on this Lake Ontario region we have six pilots
12 registered for duty on Lake Ontario, and they sub-
13 stantially take care of all the business there.

14 On the section above Port Huron and Sarnia
15 -- that is to say, Lake Huron and Lake Michigan --
16 the situation was eased last year by two factors.
17 The first was that there were a number of United
18 States trainee pilots from District No. 2 -- trainee
19 American pilots -- who were working on the upper lakes,
20 as we call Lake Huron and Lake Michigan; also, the
21 traffic -- the business -- in No. 3 District was very
22 considerably smaller last year and, therefore, pilots
23 from No. 3 District spent a good portion of their time
24 operating -- assisting, shall we say -- on Lake Huron
25 and Lake Michigan.

26 Also, there is the fact that there were
27 at one time as many as five Canadian temporary pilots
28 working on the same upper lakes during the busy season.
29 These are men just called in to assist.

30 MR. LALONDE: Q. I don't want to ask



1 English
2 from you any more research, but if you could make
3 this addition of the number of trips outside designated
4 waters for last year -- that is, again, outside the
5 area between Port Weller and Port Huron -- I would
6 appreciate it. Could that be done? You have this
7 figure already in come form, I understand?

8 A. It would probably take a day to check it,
9 to give you an accurate figure.

10 MR. LALONDE: Yes; and I would not need
11 the witness himself, My Lord, for this purpose.

12 THE CHAIRMAN: No.

13 And, therefore, in the various centres
14 you have just enumerated there, some of them are only
15 temporary pilots and trainees and so on, and so if
16 these factors are not to be permanent then we are going
17 to revert to the situation of 1962?

18 THE WITNESS: Well, of course, the
19 conditions or the time when pilots are required is
20 not a permanent condition either, My Lord. This is
21 something that happens and it is usually seasonal --
22 towards the end of the season and sometimes very early
23 in the season.

24 MR. LALONDE: Q. And isn't it a fact
25 that from now on you will need trainees in all districts
26 because both Canadian and American pilots are now
27 pretty well up to parity and you will need to have a
28 kind of reservoir for future district pilots?

29 A. Well, I believe that we are at present
30 within four of parity; so it is reasonable to assume



1 English

2 that we would soon require replacements.

3 MR. LALONDE: I would like to stress here
4 that in the request I made the trips which I am asking
5 for do not include the trips across Lake Erie,
6 obviously -- that part of the unrestricted waters
7 which is Lake Erie; I am referring only to Lake
8 Ontario, Lake Huron and Lake Michigan trips.

9 Q. Now, you were to bring certain reports
10 which you have prepared?

11 A. Yes.

12 Q. Do you have them with you?

13 A. You got this, ~~(did you?)~~ ~~did you?~~

14 Q. That is the operating instructions?

15 A. Yes.

16 Q. Yes.

17 A. That is the revised one.

18 Is that all? I think somebody asked for
19 the instructions about expense accounts. I gave
20 some yesterday.

21 Q. Yes. I did ask for the annual report
22 which you would send to Ottawa about the operations of
23 the District during the year.

24 A. Am I going to get these back in time,
25 or what?

26 Q. They are the Commission's documents.

27 THE CHAIRMAN: You could have them back if
28 you want. We could have them copied.

29 THE WITNESS: I don't have my 1962 one.
30 That was partly why I was delayed this morning. But



1 English

2 I have 1960, 1961 and 1963 here.

3 MR. LALONDE: Could these documents be
4 filed as Exhibit No. 1029.

5 Q. Would it be that the 1962 report would
6 be available in Ottawa, or is it...?

7 A. I think it is in Ottawa. I think I
8 took it up there myself, and they are trying to find
9 it in their file. I took it up myself, so there
10 wasn't a letter written with it.

11 Q. And you don't have the report in
12 your files for 1962?

13 A. I think so; but I couldn't find it this
14 morning in the rather limited time that I had.

15 Q. But do you think the document could
16 be obtained from Ottawa if necessary?

17 A. Yes.

18
19 ---EXHIBIT 1029: Annual operational reports,
20 1960, 1961 and 1963, for
21 District No. 2.

22 THE WITNESS: You also wanted the operating
23 statement for 1963, did you not?

24 MR. LALONDE: Yes.

25 THE WITNESS: You just wanted the gross
26 revenue, or something of that nature. I think you
27 asked for that.

28 MR. LALONDE: I will come back to that.
29 The exhibit, 1029, would be the annual operational
30 reports, 1960, 1961 and 1963, for District No. 2.

THE CHAIRMAN: Yes; and 1962 would be at



1 English

2 Ottawa?

3 MR. LALONDE: 1962 would be at Ottawa,
4 it seems.

5 My Lord, I think I would have to look at
6 these documents and see whether there are questions
7 which should be asked later on.

8 The other document I asked for -- I asked
9 for information concerning gross revenue earnings by
10 Canadian pilots and American pilots for the last three
11 years. I was told that this information for 1961
12 and 1962 was not readily available and would be
13 difficult to gather, so I agreed that I would be
14 satisfied with the 1963 information.

15 MR. JACQUES: We can give my learned friend
16 the same information for 1961 and 1962 out of the
17 IBM machine in Ottawa; and also 1963 out of the same
18 machine. But the accounting procedure was changed in
19 1962, and as a result for the previous year the
20 supervising pilot hasn't got the information here. It
21 is available.

22 MR. LALONDE: I would like to file, as
23 Exhibit 1030, a document entitled "Port Weller Pilotage
24 Authority Operating Statement for the period January 1st
25 to December 31, 1963."

26 --- EXHIBIT 1030: Document entitled: "Port
27 Weller Pilotage Authority
28 Operating Statement for the
29 Period January 1st to
30 December 31, 1963.



1 English

2 Q. I am sorry, Captain, it is entitled
3 Port Weller Pilotage Authority, but technically what
4 you are referring to is the Port Weller Dispatching
5 Office figures.

6 A. That is the way we have to stamp
7 our cheques.

8 Q. Okay. On this last document, which
9 is 1030, Captain, does this represent only the earnings
10 made by Canadian and American pilots from Port Weller
11 dispatching?

12 A. This is Port Weller, yes.

13 Q. So you would not have in this
14 figure the total amounts earned by Canadian pilots
15 when they were dispatched from Port Huron?

16 A. No.

17 MR. JACQUES: We can get the
18 information requested by my learned friend from Ottawa
19 on the IBM machine, and even if he wants it per pilot,
20 we can supply it per pilot, but this would give the
21 total pilotage dues earned by Canadian pilots from
22 District #2, whether they are dispatched from Port
23 Weller or Port Huron or doing lake work.

24 THE CHAIRMAN: Will you get together
25 and find out what is needed and see that this information
26 is available when we meet again in Toronto in a month's
27 time?

28 MR. LALONDE: I have all the
29 information and I have calculated it from the IBM cards,
30 I must say. It is just that I have learned to be very



1 English

2 suspicious about figures given by the Department, and
3 I wanted to check.

4 MR. JACQUES: To cross-check.

5 MR. LALONDE: Whether the figures
6 would coincide somehow, but in view of the fact that
7 it seems to be so difficult to make any cross-checking
8 on this anyway, I am ready to forget about this
9 request. Document 1030 is there, but it is not of much
10 value as far as I am concerned. It has been filed,
11 and we may leave it there with the clear understanding
12 that this represents only part of the earnings of both
13 Canadian and American pilots.

14 CROSS-EXAMINATION BY MR. BRISSET:

15 Q. Captain, you have supplied to me
16 a copy of the instructions regarding pilots' expenses
17 and claims this morning, but the copy you have supplied
18 to me does not appear to be the same as Exhibit 1015.
19 Were there two sets of instructions issued?

20 A. One, of course, is the official
21 instructions from the Department, and the other, as
22 set out, I have tried to simplify it in brief language as
23 my own amplification of the Department's instructions,
24 and hand it to the pilots too.

25 MR. BRISSET: I would like you to
26 file as part of Exhibit 1015 your own condensation and
27 explanation, if you wish, of the formal instructions
28 and information regarding completion of travelling
29 expenses claims.
30



1 English

2 THE CHAIRMAN: In a bundle with
3 the other document already filed under quota 1015?

4 MR. BRISSET: That is correct.

5 MR. JACQUES: I should like to
6 add, My Lord, to some Exhibit which has been filed
7 concerning the use of the Port Weller pilot boat,
8 which was filed early in the hearing, I think on Monday.

9 THE CHAIRMAN: Yes.

10 MR. JACQUES: A letter from the
11 Supervising Pilot to Lakeshore Transportation Co.

12 THE CHAIRMAN: That is Exhibit 1010.

13 MR. JACQUES: The correspondence
14 exchanged between the Supervising Pilot and the
15 Superintendent of Pilotage in Ottawa concerning the
16 same matter. These letters are to be returned to the
17 Supervising Pilot after we have made photocopies of
18 them. There are several letters, and I might give
19 the dates of them. One is January 15, 1964, January
20 13, 1964, which is a memo from the Superintendent
21 of Pilotage to the Supervising Pilot. One letter from
22 the Supervising Pilot to the Superintendent, June 12,
23 1963, and a letter also from the Supervising Pilot
24 to the Superintendent of Pilotage, dated December 11,
25 1963.

26 THE CHAIRMAN: While they are
27 looking at the documents, Captain Watson, I am going
28 to change the subject: I understand from your evidence
29 there is no obligation for a pilot, whenever possible,
30 to call at the pilotage office prior to going to an



1 English
2 assignment. Am I right in that? He can proceed from
3 his home to the ship without calling at your office?

4 THE WITNESS: Yes, that is the
5 procedure now. We do this because sometimes there is
6 the expense involved and the time involved.

7 THE CHAIRMAN: But even when they
8 are close to your pilotage office; for instance, when
9 they board a ship up at Port Weller they would not
10 call at your office?

11 THE WITNESS: They usually call at
12 the office, yes.

13 THE CHAIRMAN: But there is no
14 obligation to do so now?

15 THE WITNESS: Well, there is no
16 real obligation, not any more. At one time we used
17 to have them sign a book, but that was laborious when
18 they were a long ways away and had to come down to our
19 office and sign a book and go back up and catch a
20 train or something of that nature.

21 THE CHAIRMAN: I understand at
22 places it would be almost impossible and impractical
23 to do so. For instance, when they have to take a
24 ship at Lock 7 or when they are outside the Canal?

25 THE WITNESS: Yes. However, the
26 pilot is obligated, My Lord, to see that his source
27 form, his bill for his work, is turned into the office.
28 That entails a visit to the office at one time or another.

29 THE CHAIRMAN: But are they always
30 brought to your office by the pilot who made them up?



1 English

2 THE WITNESS: No, sometimes a
3 driver will bring them down there.

4 THE CHAIRMAN: I suppose that in
5 your District, like in any other District, there are
6 some changes in the aids to navigation, some conditions
7 in the Canal that may happen that has to be brought to
8 the attention of all the pilots. I suppose all these
9 informations are kept in your office, posted on boards
10 and in books and so on?

11 THE WITNESS: That is correct.
12 The Notice to Mariners, we subscribe to enough copies
13 to provide every pilot with a copy of the latest
14 Notices to Mariners, shipping.

15 THE CHAIRMAN: These notices would
16 cover not only the Canal but the whole District and
17 all the lakes, all the harbours and all the lakes?

18 THE WITNESS: Yes. Canadian
19 notices cover everything in Canada.

20 THE CHAIRMAN: And I suppose also
21 the American?

22 THE WITNESS: Also American notices,
23 we subscribe to both.

24 THE CHAIRMAN: So in order to be
25 acquainted with that the pilot must go to the pilot
26 office?

27 THE WITNESS: He must visit the
28 pilot office, yes.

29 THE CHAIRMAN: But there is no
30 obligation to do so now?



English

THE WITNESS: There is no obligation to do so except the pilot again is obligated to keep himself acquainted with the changing conditions in his District. This is an obligation. This is part of his duty, and therefore he must go to the pilot office to get this information.

THE CHAIRMAN: In case there is anything special happening at one place and your dispatcher is calling a pilot by the telephone and telling him to report to another port, Cleveland, or any place like that, would he tell him about the new happenings?

THE WITNESS: No, he would not.

THE CHAIRMAN: He would not?

THE WITNESS: No.

THE CHAIRMAN: I am asking these questions because we have been told at places it should be made a rule that all pilots should call at the pilot office to be acquainted with the latest developments in the District. Traffic, and all the other factors we just mentioned. What do you think about that?

THE WITNESS: This is a good practice. Of course with regard to the Notice to Mariners, the pilot office is not the only place where these are available. A pilot may obtain these Notices to Mariners -- at least the American Notices to Mariners and in most cases pertaining to the lakes, Canadian and American publications -- they publish the same information almost simultaneously because of the inter-



1 English

2 change between the two Departments, the Corps of
3 Engineers and our Hydrographic Department. They can
4 get them in any American Post Office. If they are
5 dispatched away from home, they may be able to obtain
6 them.

7 Certain emergencies, of course, are
8 immediate and occur before they can be published and
9 posted, disseminated, and this is done by radio-telephone
10 on emergency frequencies. They should keep acquainted
11 with the navigational situation in their own district.

12 THE CHAIRMAN: But would you think
13 it would be feasible and practical and useful for
14 the pilots whenever possible to call at your office
15 prior to taking an assignment?

16 THE WITNESS: Yes, we feel that
17 would be the most suitable. However, as we stated
18 previously, this is an expense and very often time-
19 consuming. Some of the pilots live 15, 16 miles away.
20 When they are being dispatched out of town especially
21 they go directly to the depot where they are taking
22 transportation.

23 THE CHAIRMAN: Now, I have another
24 thing also with regard to traffic control and dispatching.
25 As far as organization is concerned, wouldn't that be
26 better that the one dispatching the pilot be the one
27 who is doing the traffic control, for all ships?

28 THE WITNESS: I question very much
29 if this is -- at least I am sure you are speaking about
30 the traffic controller in the Canal, for instance.



1 English

2 THE CHAIRMAN: Well, in the Canal
3 or in the whole District.

4 THE WITNESS: The traffic controller
5 in the Canal -- I have no official connection with
6 the Seaway -- but I happen to know his position. He
7 has a radio-telephone where he accepts and receives
8 calls from both ends of the Canal, and directs traffic
9 there. He also has a land phone from every Lock, and
10 every third or fourth bridge, so that he has a lot
11 of communications. He is pretty well saturated.

12 THE CHAIRMAN: I mean the Canal
13 Authority, the Seaway Authority, the Welland Canal
14 Authority to take over the dispatch of pilots because
15 they are responsible for traffic within the Canal and
16 therefore, I suppose, pilotage is a service to the
17 traffic. I am just asking your opinion about that.

18 THE WITNESS: Certainly we cannot
19 separate ourselves -- we try to now, but at the same
20 time we try to achieve close cooperation. At times
21 we find that this cooperation is not available because
22 they are possibly too busy. They have their problems,
23 and they tell us that if we sometimes ask them for --
24 we don't have radio-telephone contact with the Canal
25 Traffic Controller. We did have this at one time,
26 but they objected, so we do not have as close a liaison
27 as we would like to have.

28 Certainly it is imperative that the
29 traffic controller of the Canal and the pilot dispatcher
30 should work very close together. Of course the pilot



English

dispatcher's responsibility and concern is that the ship be not delayed, and the pilot be not sent down there before he is required. This is no concern of the Canal Control. He is only concerned with getting the ship in there when they are ready to accept it. This sometimes raises a point of dispute between the two Departments, or a point of difference, shall we say.

We keep trying to get information from this Canal Controller in order that we can call a pilot at the proper time, and the Canal Controller is too busy, so he just doesn't bother. We can call the Canal Controller, but we cannot talk to him on a working frequency, as the term is, so he might call us on the land line, and he might not.

THE CHAIRMAN: I have in mind that the Welland Canal is a pretty busy one, and the reason for twinning it, but the Canal Authority being concerned, of course, with safety within the Canal and also the expedition of traffic, it seems to me that it would be very reasonable that they would be quite interested in pilotage within the Canal, and apparently it is not.

THE WITNESS: I don't think they are, but it is a factor they cannot avoid.

THE CHAIRMAN: Yes, Mr. Mason?

CROSS-EXAMINATION BY MR. MASON:

Q. I am interested in your statement that approximately one-sixth of dispatches from Port Huron are lake boats that have to be registered in Great



1 English
2 Britain, Bermuda or elsewhere. I wonder if I may take
3 it from that that one-sixth of all the pilots, both
4 American and Canadian in your District are in any
5 one season engaged in the piloting of these vessels?

6 A. Those were the figures taken from
7 our dispatch book last year.

8 Q. Would you agree with me that if
9 legislation were passed providing that Canadian ships
10 only may engage in the coasting trade on the Great
11 Lakes and on the River St. Lawrence, that those vessels
12 of which you speak would be obliged to transfer back
13 under the Canadian flag?

14 MR. JACQUES: That is a legal
15 question, My Lord.

16 Q. Well, would in all likelihood?

17 MR. BRISSET: If they are permitted
18 to do so.

19 THE WITNESS: I think the question
20 is could they do this. It is a question.

21 Q. If they were able to do this, this
22 would somewhat alleviate your problem?

23 A. It would save them a lot of money,
24 yes, and relieve our problem.

25 MR. BRISSET: And if they were not
26 able to do so, they would have to disappear.

27 THE WITNESS: That follows.

28 THE CHAIRMAN: Are there any further
29 questions you wish to ask Captain Watson? Thank you,
30 Captain.



English

THE WITNESS: Thank you, My Lord.

DORIS PADDLE, Sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. I believe you are one of the
partners in Lakeshore Transportation Co.?

A. Yes.

Q. Would you tell us how many
partners there are in this firm?

A. Two.

Q. When was it formed?

A. In April, I believe, 1959.

Q. You and your partner, have you
been engaged previously to that in the operation of
boats? Is that the first time?

A. This is the first time we ever
went into an operation like this.

Q. How many boats do you have now?

A. We have two.

Q. Would you describe them, giving
their name or number as the case may be?

A. This would probably explain it
(indicating). These are the specifications of our
pilot boats. The number of the boat is not on there,
and I do not have it with me.

Q. You have got two boats; one is
the Qu'appelle?



1 English

2 A. Yes.

3 Q. And the name of the other one?

4 A. Rozelia.

5 Q. Do you recall when they were built?

6 A. Qu'appelle was built in 1959.

7 Q. By your firm?

8 A. No; it was built by Diesel Sales
9 and Service of Burlington.

10 Q. But upon your specifications?

11 A. Yes.

12 Q. And the other one?

13 A. We do not have the full information
14 on this other one. We have not been able to receive
15 the ownership papers, although we have bought it and
16 she is at Port Weller. There is some discrepancy there,
17 so I cannot even give you the number of that ship.

18 Q. I see, but when did you buy the
19 second one?

20 A. In 1963.

21 Q. Oh, in 1963; I see. This is quite
22 recent?

23 A. Yes.

24 Q. With regard to the Qu'appelle the
25 official number is 188773, gross tonnage 19.61;
26 registered in St. Catharines, Ontario and licensed for
27 carriage of four passengers excluding the crew members.
28 The total with the crew members is six. The certificate
29 is valid for Port Weller and Port Dalhousie at Lake
30 Ontario not more than four miles offshore.



1 English

2 How many employees do you have?

3 A. We have four.

4 Q. Four employees?

5 A. Yes.

6 Q. Are they four members -- four crew
7 members?

8 A. We have two crew members and two
9 operators.

10 Q. What is the difference between an
11 operator and a crew member?

12 A. Well, the operator of the boat
13 must have qualifications where the crew member -- the
14 deck hand, I suppose you would call him -- is there
15 to assist the pilots on and off the ships.

16 Q. Your operators have licences, do
17 they not?

18 A. Yes.

19 Q. And the name of one of them is
20 Alexander George McGregor?

21 A. That is right.

22 Q. He holds a temporary certificate
23 as Master 7194 issued on the 13/5/63, valid until
24 12/5/64, valid on the waters of Port Weller harbour
25 not more than one nautical mile from Port Weller pier
26 on Lake Ontario. The other operator; what is his name?

27 A. Henry Bernhard.

28 Q. Have you got his papers?

29 A. I could not get hold of him -- he
30 is from Niagara-on-the-Lake -- to get his papers to bring



1 English

2 in.

3 Q. I see. He holds a licence?

4 A. Yes.

5 Q. Is your boat inspected by the
6 Department of Transport?

7 A. Yes, it is.

8 Q. And the other one, is it licensed
9 to carry passengers also?

10 A. It will be this year.

11 Q. Was she in operation last year?

12 A. No.

13 Q. She was not in operation?

14 A. No.

15 Q. You have had one boat operating
16 since 1959?

17 A. Yes.

18 Q. What are the fees that you charge
19 for boarding or unboarding pilots?

20 A. That is \$12.50 per trip.

21 Q. \$12.50 to go and \$12.50 if you
22 take the pilot back with you?

23 A. Yes.

24 Q. Is the bulk of your work with
25 pilotage only or do you provide services for other
26 people also in general?

27 A. The bulk of the work -- really we
28 are supposed to operate for pilots only. There have
29 been occasions when a radio man or a marconi man
30 (whatever you want to call him) will have to go out with



1 his ship and he will call the pilot boat to pick him
2 up.

3 Q. Do you charge the same price?

4 A. Yes.

5 MR. JACQUES: My Lord, I have the
6 cover notes for insurance. I might look at them and
7 make a brief statement for the record this afternoon.

8 THE CHAIRMAN: That will be all
9 right.

10 COMMISSIONER RENWICK: Could I
11 ask a question?

12 MR. JACQUES: Yes, sir.

13 COMMISSIONER RENWICK: As I recall
14 it the vessel is licensed to operate four miles from
15 Port Weller but the operator is licensed to operate
16 one mile from Port Weller.

17 MR. JACQUES: You are right, sir.

18 Q. When you go out to put a pilot
19 on board, how many miles are you off Port Weller then?

20 A. As a rule it is not any more than
21 the one mile. It may vary sometimes. They may be
22 a little bit further, but actually that is all we
23 are required to go.

24 Q. Mr. McGregor is also licensed as
25 a temporary engineer, is he not?

26 A. Yes.

27 Q. Your other operator, would he be
28 licensed as a temporary engineer also?

29 A. No. Just Mr. McGregor has the
30 engineer's licence.



1 English

2 Q. Has the engineer's certificate?

3 A. Yes.

4 Q. And the certificate is valid on
5 waters between Port Weller, Ontario and the pilot
6 station?

7 A. Yes.

8 Q. You have received a letter from
9 the Supervising Pilot advising that the services
10 would be cut down next year?

11 A. Yes, I have.

12 Q. Was that the first indication that
13 you had that this would be so?

14 A. The first official one, yes. We
15 had heard rumours, but I was just going by the letter
16 that I received from the pilotage office.

17 Q. How long ago did you hear these
18 rumours?

19 A. It was some time last fall that
20 the rumours started.

21 Q. When receiving this official letter
22 did you communicate with Captain Watson?

23 A. Yes, I did.

24 Q. What was the purpose of this
25 communication?

26 A. Well, I went down to see Captain
27 Watson and to have him explain this letter to me and
28 exactly what was going to happen. He said he did
29 not know exactly what was going to happen but this
30 was the information that he had received from Ottawa



1 English

2 and that he was passing it on to me.

3 Q. Have you taken the matter up with
4 Ottawa?

5 A. No, I have not.

6 Q. If this policy were implemented
7 how would it affect your operation?

8 A. Well, it would cut down our revenue
9 quite considerably -- in fact to the point where we
10 just would not be able to operate a pilot boat, not
11 on the basis of our contract.

12 Q. Contract? What contract?

13 A. We have a three-year contract
14 with the Department of Transport.

15 Q. You have not got this contract
16 with you?

17 A. No, I do not have a copy of it
18 with me.

19 Q. Do you have a copy at home?

20 A. No, I do not, but I think I can
21 borrow Captain Watson's. My copy of the contract is
22 in London, England with the insurance people and they
23 have not returned it.

24 MR. JACQUES: We will ask Captain
25 Watson to provide a copy, please.

26 Q. This is a three-year contract?

27 A. Yes.

28 Q. And it expires when?

29 A. The end of 1965 -- no, pardon me,
30 the end of 1964.



1 English

2 Q. So you have one year to go on
3 that contract?

4 A. One more year, that is right.

5 Q. Do you recall the terms of the
6 contract?

7 A. No, not offhand.

8 Q. Did they guarantee a minimum per
9 year, a minimum number of trips or a minimum number of
10 dollars?

11 A. No, just so much per trip.

12 THE CHAIRMAN: It would be much
13 better if we wait for a copy of the contract.

14 MR. JACQUES: Very well, sir.

15 Q. Would you have any details of the
16 number of trips which you made last year?

17 A. Roughly we made about 2,500 trips.

18 Q. Twenty-five hundred trips last
19 year?

20 A. Yes.

21 Q. And out of Port Weller only?

22 A. Port Weller only.

23 Q. And the year before; would you
24 recall the figures in 1962?

25 A. No, I have not the figures.

26 Q. Would you have these figures for
27 1962, 1961, 1960?

28 A. I could get them for you, yes.

29 Q. Would you provide them?

30 A. Yes.



1 English

2 Q. What is the value including
3 equipment of the boat Qu'appelle?

4 A. That is including all the equipment
5 aboard her, the radio and everything?

6 Q. Yes, including equipment.

7 A. About \$25,000.00

8 Q. And the second one is what?

9 A. She is not complete yet and I do
10 not have figures on her.

11 Q. She is not complete yet?

12 A. No; there is still work to be done
13 on her.

14 Q. I see, but roughly would you ---

15 A. Roughly around \$6,000.00 or \$7,000.00.

16 Q. She is much smaller than the other
17 one?

18 A. Yes.

19 Q. I notice also that you have a
20 radio-telephone on board Qu'appelle; is that correct?

21 A. Yes, we have. The operator, Mr.
22 McGregor's licence is away in Hamilton being renewed,
23 so that is why that is not included.

24 Q. The authorized communications
25 are for pilotage services only?

26 A. Yes.

27 Q. When did you have this radio-tele-
28 phone installed?

29 A. We had that in 1959.

30 Q. Right from the start?



1 English

2 A. Ever since we have had the
3 pilot boat we have had the radio aboard.

4 Q. Do you have a set charge for the
5 use of this radio-telephone?

6 A. No; it is a must on these
7 specifications for a pilot boat. We must carry this
8 radio.

9 Q. I see, and these specifications
10 are from the Department of Transport?

11 A. Yes.

12 MR. JACQUES: They are dated March
13 7th, 1962. My Lord, I should like to file those as
14 Exhibit No?

15 THE SECRETARY: 1031.

16 ---EXHIBIT NO. 1031: Specifications on pilot boat
17 from Department of Transport,
18 dated March 7th, 1962.

19 MR. JACQUES: Q. Would you tell
20 the Commission how you came into the pilotage service?

21 A. Yes. In 1958 when the foreign
22 ships first started coming up through the Canal -- to
23 my knowledge they had never been up through here before
24 -- my husband had run a taxi in Port Dalhousie and we
25 were servicing the pilots from their hotel to Lock 1
26 and back again. They used our cab almost exclusively.

27 It came to our notice through the
28 pilots' conversations that they would like a pilot
29 boat at Port Weller; so I wrote to the Department
30 asking for information and how we went about supplying



1 English

2 a boat. I believe I gave you two or three letters
3 there that I received in answer. I do not have my
4 letters that I sent, but there are the answers that
5 I received from the pilotage office in Ottawa.

6 Q. These letters are dated April, 1959?

7 A. That is right.

8 THE CHAIRMAN: As you will not
9 be able to terminate with the witness before lunch ---

10 MR. JACQUES: No, My Lord.

11 THE CHAIRMAN: I think we can
12 adjourn now until 2:30 as usual.

13 ---LUNCHEON ADJOURNMENT.

14

15

16

17

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21

22

23

24

25

26

27

28

29

30



English

DORIS PADDLE, recalled

DIRECT EXAMINATION BY MR. JACQUES: (continued)

Q. Mrs. Paddle, when we left off you were telling us about your setting up business and your negotiations with the Department of Transport. Would you please continue?

A. Will you tell me where I left off?

Q. You were telling us about negotiations you had with the Department, that you offered your service to the Department and you provided specifications which were filed, and also that you signed a contract?

A. Yes.

Q. A three-year contract?

A. Yes.

Q. Would you carry on from there? --

THE CHAIRMAN: With respect to the contract, have you seen the contract, Mr. Jacques?

MR. JACQUES: Yes; I have the contract, and it will be filed; and I also have a photo copy of the declaration of partnership.

THE CHAIRMAN: Are you going to file them?

MR. JACQUES: Yes.

THE CHAIRMAN: Will you do it now?

MR. JACQUES: This is a photo copy of a copy. It is a charter party of the m.v. Qu'appelle from April 1st 1962 to March 31, 1965, to transport pilots to and from vessels in the approaches to Port Weller, Ontario.



English

--- EXHIBIT 1032: Photostat copy of a copy of a charter party of the m.v. Qu'appelle from April 1st 1962 to March 31 1965, to transport pilots to and from vessels in the approaches to Port Weller, Ontario.

MR. JACQUES: And the declaration of partnership is dated May 14, 1959.

THE CHAIRMAN: The partnership will be Exhibit 1033.

--- EXHIBIT 1033: Declaration of partnership, dated 14th May 1959.

MR. JACQUES: We shall make photocopies of these documents and return them to the Supervising Pilot.

Q. Mrs. Paddle, did you then purchase the boat?

A. No; our boat was purchased while we were still an independent company, before we got our contract with the Department of Transport; but our boat had to comply with the specifications.

Q. And did you have to make any alterations to the boat?

A. No, there were no alterations made at all, except that we didn't have the type or the frequency on our radio that the Department required and so that frequency was added.

Q. Before you started to perform the charter?

A. Yes.

Q. Since the beginning of this charter have you received any complaints about the service which



1 English

2 give either from the Department or ship owners or from
3 anyone?

4 A. No, we haven't.

5 Q. Have you had any accidents?

6 A. We had one accident.

7 Q. Would you describe it, briefly?

8 A. I believe the operator was coming
9 back from taking a pilot to a ship and he went up
10 on the rocks at the mouth of the harbour.

11 Q. At the mouth of the harbour?

12 A. At the mouth of the harbour.

13 Q. Yes.

14 A. It was nothing serious. There was
15 no pilot aboard and it didn't tie up the boat or the
16 pilotage at all.

17 Q. And there never has been any accident
18 involving pilots?

19 A. No.

20 Q. You have never received any adverse
21 comments from pilots on the nature of your service?

22 A. No.

23 Q. Has your service been available at
24 all times 24 hours a day as per the contract?

25 A. Yes.

26 Q. It has?

27 A. Yes.

28 MR. JACQUES: I would like to file, My
29 Lord, in connection with the contracts the correspondence
30 exchanged on the negotiations, particularly as regards



English

the rate. The rate asked by Lakeshore Transportation was \$15 and it was eventually set at \$12.50.

This would be Exhibit 1034.

--- EXHIBIT 1034: Correspondence between Department of Transport and Lakeshore Transportation Company (3 letters of April 1959).

THE WITNESS: We negotiated through the Department of Transport but at that time we had to go through the Shipping Federation. We were an independent business when these letters were sent. We did all our own billing and collecting and everything; The Department of Transport had nothing to do with it outside of acting as the negotiating party.

MR. JACQUES: Q. Between you and the Shipping Federation?

A. Yes.

Q. That is explained in the letter?

A. Yes.

Q. The requirements were sent down by the Department and the price was discussed...

A. That is true.

Q. Through the Department, between you and the Federation?

A. Yes.

MR. JACQUES: These letters are all April 1959 -- 3 letters.

The Qu'appelle is insured for \$20,000 in hull and machinery and \$20,000 PNI, with



English

\$80,000 excess on PNI.

Thank you.

MR. LALONDE: No questions, My Lord.

MR. MASON: No questions.

MR. BRISSET: No questions.

THE CHAIRMAN: Mrs. Paddle, I see that last year you acquired a new boat. What were the reasons for this acquisition? Was this necessary for the service for pilots?

THE WITNESS: Yes; actually, we should have two boats, one as a stand-by.

THE CHAIRMAN: You didn't have one in 1962?

THE WITNESS: If there was need of a stand-by boat we used to rent one. The company didn't own one.

THE CHAIRMAN: Did it happen very often that you had to rent one?

THE WITNESS: Not very often; but it does happen because of breakdowns.

THE CHAIRMAN: And I would suppose that when you decided to purchase the second one you had not been warned as to the change...

THE WITNESS: Yes, we were. We knew that we were supposed to have two boats.

THE CHAIRMAN: But the change -- had you been warned -- in respect to the procedure?

THE WITNESS: No.

MR. JACQUES: Thank you, Mrs. Paddle.

MR. LALONDE: I will call Captain George



1 English

2 Albinson...

3 MR. JACQUES: I might say at this point
4 that we shall not bring any other witnesses and that
5 we shall keep the rest of the week free for the pilots
6 in order that they may not be prejudiced in presenting
7 their evidence.

8 I had scheduled Captain Norman Johnston
9 for Friday, but I am afraid that we shall have to
10 postpone the presentation of his brief until the month
11 of April.

12 If the pilots' evidence is not completed
13 by the end of this week it will be resumed on April 6th
14 in Toronto. This is agreeable to my friend, My Lord.
15 So that the schedule next week will not be disturbed.

16 MR. BRISSET: We have one witness we would like
17 like to hear here if it is at all possible. Possibly
18 some time might be reserved for us on Thursday afternoon.

19 THE CHAIRMAN: Then, of course, when counsel
20 mentions the pilots he means all the pilots, of course,
21 not only of one association but the two associations
22 and those who are not in any association, because
23 everybody is welcome to give us all the facts; and
24 if they feel some facts have not been brought to our
25 attention I think it is their duty to see that they
26 are brought or to make any corrections necessary.
27 Because how do you expect us to make a recommendation
28 if we are not acquainted with really all the facts?
29 So we need, of course, the cooperation of everybody;
30 and if you have no opportunity here you could come to



English

Toronto on the 6th of April, or even next week.

GEORGE ALBINSON, sworn

DIRECT EXAMINATION BY MR. LALONDE:

Q. Captain, would you state your full name and age, please?

A. George Bolton Albinson, 53.

Q. I understand you are a pilot in this District No. 2?

A. Yes.

Q. How long have you been a pilot in this particular District?

A. 1950.

Q. When did you become in the pilotage service in this district?

A. 1960.

Q. In April?

A. April.

Q. Before April, 1960, what were your functions?

A. I sailed a boat on the Great Lakes.

Q. Would you speak a little louder?

A. I sailed a ship on the Great Lakes.

Q. Would you tell us what was your experience aboard lakeships?

A. I started to sail on the Great Lakes on July 1st, 1929, and I have been on the Great Lakes



English

continuous ever since, from sailor to master.

Q. Would you tell us briefly what companies you were serving?

A., I served all my time in one company.

Q. Which company was that?

A. There were different companies, but all under the same management, Scott-Misener.

Q. What certificates do you hold?

A. Master's home trade ticket.

Q. Did you actually serve as master on board lake ships?

A. Yes, sir.

Q. For how many years?

A. About 15 years.

Q. I would like you, Captain, to give briefly a description of your District and the waters in which you are called upon to pilot ships. I understand your District is over 900 miles if you include restricted waters. I don't think we will have time to make a detailed survey of every corner, but I would like you to, if you wish, take a ship from Port Weller, take it up, let us say, to Chicago, and indicate briefly to the Commission what are the main problems you are encountering and what are the main characteristics of pilotage in your area.

First of all, there is on Exhibit 967 a red circle put in pencil by Captain Watson yesterday showing the area where there would be a calling point for a ship. Is that the exact indication?



English

A. That is right.

Q. Would you also indicate on this chart with a green pencil the area where you are called upon to board ships usually at Port Weller? How far is this boarding point from the entrance to the canal itself?

A. Anywhere from half a mile to a mile.

Q. Once you have boarded that ship, can you explain to the Commission what is the usual procedure?

A. Well, we go aboard the ship and go to the bridge, and you make yourself known to the master, and call the canal dispatcher or authority to see whether we can enter the canal or not, or whether we have to wait and try to ascertain how long we will have to wait.

Q. Yes. Then I presume you get an answer by radio telephone?

A. The contact is made by RT.

Q. Yes. Authorization to enter the canal comes from the Canal Authority?

A. Canal Authority at the guard gate.

Q. What are you doing when you take your ship in the canal. You can work with this chart and indicate to the Commission what is the usual procedure.

A. Well, we come in the canal here, and naturally we come at a slow speed, and bring the ship into the canal here (indicating), and I would say maybe ninety nine times out of one hundred we have to stop the ship here.



1 English

2 Q. If possible never refer to "here"
3 and "there" in your evidence because this will not show
4 when the Commission will read it. Will you always
5 refer to specific places by their names.

6 A. We come in and we have to tie up
7 usually at the northern end of the tie-up wall
8 because there is usually one or two ships already at the
9 tie-up wall here waiting to start the canal.

10 When the first ship is dispatched to
11 the lock, and this is done by signal lights on the
12 lock there -- they are either red or green -- and
13 when the first ship gets a green light, he proceeds
14 on into Lock No. 1, which necessitates the other two
15 ships at the tie-up wall to move forward to make room
16 for another one to come in.

17 In this way the Canal Authority figure
18 they are going to -- they can't dispatch ships faster
19 as long as they have them lying here at the tie-up
20 wall.

21 Now, this operation from the time you board
22 the ship outside the piers here, half to a mile until
23 you enter Lock 1, it can be a very time-consuming
24 operation. I have myself been 8 hours from the time I
25 boarded the ship until I got into Lock 1.

26 Q. I understand this was the time when you
27 could put your feet up?

28 A. Yes, this is one of the times you
29 could put your feet up.

30 Q. Did you actually put your feet up?



1 English

2 A. It is kind of difficult here while you are
3 lying on a tie-up wall to get your feet up because
4 there is ships coming either out the lock or you are
5 moving up the wall, so actually although it may be 8
6 hours from here until you get into Lock 1, once you
7 are at the tie up wall here, actually you have no time
8 to yourself. I won't say you can't relax, but at least
9 you are on duty all that time.

10 MR. JACQUES: Usually how long does it take
11 you from the time you board to the Lock wall?

12 THE WITNESS: From the time we board to
13 the lock wall, 45 minutes. Three quarters of an hour
14 I would say.

15 Q. What do you do when you are at the tie-
16 up wall? You say you can relax but you are on duty.
17 What happens?

18 A. You usually talk to the master or officer
19 on watch on the bridge and keep an eye out on the lines
20 and try and satisfy yourself in your own mind or make
21 up your own mind whether the crew are acquainted with this
22 sort of procedure or whether they are all novices at it.

23 Q. Do you have contact by radio with the
24 land during that time for various reasons?

25 A. Radio telephone is open at this time, yes.

26 Q. Is this usual procedure which you follow,
27 checking with the officers or master whether he and his
28 crew are acquainted with the canal?

29 A. Yes. If this happens to be the first
30 time aboard that particular vessel you usually ask a lot



1 English

2 of questions.

3 Q. What kind of questions do you ask?

4 What type of survey do you make?

5 A. Well, usually the main important things
6 to us are naturally the mooring cables, helmsman, the
7 steering gear itself, engine movement, what kind of
8 engine it is, whether it is turbine or motor ship,
9 and how long it takes to reverse the engines.

10 Q Similarly, ~~you~~ get yourself acquainted
11 with the ship and the crew one would say?

12 A. As well as you can in that short a time.

13 Q. Yes. Then let us suppose you get
14 a green light from the lock master and you proceed
15 to the lock?

16 A. One other thing we do while we are at
17 the tie-up wall I didn't mention is we try to explain
18 to the master the exact Seaway rules pertaining to
19 the Welland Canal, about how the wires must be out
20 and you must have this 40 feet of slack on deck off
21 winches and stuff like that.

22 THE CHAIRMAN: Before we proceed further,
23 when there is a pilot from District No. 1, where is
24 he relieved? At the anchorage or at the tie-up wall?

25 THE WITNESS: At the anchorage.

26 THE CHAIRMAN: So he goes back with the
27 boat?

28 THE WITNESS: The pilot boat brings me
29 out and takes the other pilot in, whether it is No. 1
30 pilot or a lake pilot.



1 English

2 Now, we get a green light here ---

3 Q. When, at Lock 1?

4 A. At Lock 1.

5 Q. Yes?

6 A. We have made these two or three shifts
7 along the quay, and that can be quite a procedure at
8 times with some of these ships, with a salt water
9 ship -that is up here and maybe the only voyage he is
10 going to make up here. His ship is not properly
11 equipped for handling wires along the wall, and if
12 our prevailing winds are west and south westerly, and
13 that has a tendency to blow you off the wall.

14 We get the green light here, and we
15 proceed into the lock, and we tie up on Lock 1 on
16 the starboard side. That procedure will take anywhere
17 from, say, 25 to 40 minutes until we are in the lock
18 and tied up.

19 Q. Yes?

20 A. It takes them about 12 minutes to fill
21 the lock, and then they open the gates here, and there
22 is a bridge here at the upper end of Lock No. 1, and
23 you must leave all your lines following the canal rules;
24 all the wires are left on the bollards on the lock
25 until everything is clear for you to leave the lock.

26 THE CHAIRMAN: Excuse me. These ships that
27 are coming from the ocean have been through the other
28 part of the Seaway and have been through quite a lot
29 of canals and locks also. Is the procedure in the
30 Welland Canal different than in the lower part of the



1 English

2 St. Lawrence Seaway?

3 THE WITNESS: Basically it is the same thing,
4 but they have a few extra...

5 THE CHAIRMAN: You warn them of these
6 things?

7 THE WITNESS: Yes.

8 THE CHAIRMAN: What would they be, the
9 differences?

10 THE WITNESS: Well, I couldn't tell you
11 sir, because I am not familiar with all the special
12 rules on the canals below. We leave Lock 1, and
13 usually there is a ship tied above the lock here
14 waiting to go down into the lock, so naturally you
15 have to go out of the lock at a very moderate speed,
16 and you proceed on up the level here. I understand
17 they have taken these bridge abutments out now.

18 Q. Would you speak louder, please?

19 A I understand they have taken the
20 bridge abutments out of here now, so we are not
21 bothered with them any more.

22 Q. When did they take the bridge abutments
23 out?

24 A. This winter.

25 Q. I see. The chart is dated October 11,
26 1963.

27 A. Yes.

28 Q. Yes?

29 A. Then you come up and you tie up at the
30 tie up wall below Lock 2, waiting for the ship that



1 English

2 is in Lock 2 to come out and come down.

3 Now, you may be there anywhere from 10
4 minutes to an hour or an hour and a half in the
5 ordinary course of the voyage, so when this ship
6 comes out, you proceed into Lock 2.

7 THE CHAIRMAN: What would be the reason
8 of the delay there, because you are meeting ships?

9 THE WITNESS: A ship will be coming in
10 the opposite direction downbound in the canal.

11 THE CHAIRMAN: I see.

12 THE WITNESS: The same procedure is taken
13 on into Lock 3. At Lock 3 we have the one bridge here.
14 When you get into Lock 3 the same procedure goes
15 over again, and usually you have to tie up and wait
16 for a ship downbound, and then you go in the lock,
17 and usually a ship is tied above the lock.

18 Sometimes even when we come to the flight
19 locks, in the last year or so, the last two or three
20 seasons, at times they make you tie up here.

21 Q. I am sorry, Captain?

22 A. Below Lock 4.

23 Q. Would you explain what are the flight
24 locks?

25 A. The first three locks in the Welland
26 Canal are single locks. Ships upbound and ships
27 downbound have to use the same lock. We call them
28 flight locks. They are all connected, three together,
29 and they are double twin locks. You go down one side
30 and up the other. Once you start into these twin locks



1 English

2 here, you meet no ships until you get to Lock 7.

3 Q. You meet no ships until you get to Lock
4 7?

5 A. There is a lock on each side, with
6 a concrete wall between which separate the locks.

7 MR. JACQUES: They are indicated on Exhibit
8 980 as twin locks four twin locks 5 and twin locks 6.

9 THE WITNESS: Yes. Below Lock 4 is a
10 very short tie-up wall, and if you have a medium sized ship
11 you must be very careful and try and contact anybody,
12 either the lock master through the guard gate, or some-
13 thing, to try and get him not to empty the lock because
14 when that great amount of water dashes down there with
15 the bow right at the lock wall, unless the ship is
16 securely moored, the current will shove you away from
17 the wall and you are into difficulties again.

18 The usual procedure is to call the guard
19 gate. Up until late last fall when you left any of
20 these locks the lock master would tell you what you had
21 to do at the next lock, either tie up or go in the lock.
22 In the latter part of the season last year all at once
23 the Seaway officials stopped that. They wouldn't tell
24 you. You were governed entirely by the lights. I
25 could never see, myself, what they gained by it except
26 they would never be held responsible for anything that
27 happened. It certainly did not speed the traffic up any.

28 Q. Did it cause inconvenience to you?

29 A. Well, yes, because before we used to
30



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TORONTO, ONTARIO

Albinson, dir
(Lalonde)

14221

1 English

2 be able to -- well, you knew what you were going to
3 do as you went step by step; you knew what your next
4 step was going to be, and when they stopped that, you
5 were governed entirely by that man that pushes the
6 button on that light.

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1 English

2 THE CHAIRMAN: Before when they
3 gave you the information on what you had to do at
4 the next Lock was that always all right, this information,
5 or was it changed while you were on the way?

6 THE WITNESS: Once in a while they
7 changed it, but usually you received pretty reliable
8 information. On the whole it was fairly reliable. If
9 they told you the next Lock was going to be ready for
10 you, it would be.

11 THE CHAIRMAN: And it was very
12 satisfactory for you people, was it?

13 THE WITNESS: Yes; it was much
14 better than this anyway.

15 MR. LALONDE: Q. Was it better
16 because you would know a little bit further in advance
17 what you would be doing next; is that it?

18 A. Right.

19 Q. Is that the reason?

20 A. That is the reason.

21 We entered the twin locks 4 here
22 (indicating). We go through the same procedure in
23 number 4 and 5 and 6 locks as we have in 1, 2 and 3
24 as far as mooring the vessel goes. Only in the flight
25 locks and in locks 2 and 3 we moor on the port side.
26 All these tie-up walls in the Welland Canal are on
27 the starboard side, so if you have to tie up for a
28 lock all your mooring cables and everything are on
29 the starboard side. Then when you proceed in the lock
30 they have to be all changed over on to the port side,



1 English

2 which is not too convenient on some ships.

3 When we are in lock 6 the last
4 two seasons they have begun a new policy and have tied
5 us up below Lock 7, usually to wait for a ship to come
6 down our of Lock 7. Then we proceed into Lock 7.

7 The same thing goes on in Lock 7
8 as has gone on in the other six locks. When we leave
9 Lock 7 ---

10 Q. I am sorry; before you leave
11 Lock 7, Captain, I understand you boarded that ship
12 on Lake Ontario and last year the procedure was
13 generally that you would change pilots at Lock 7 except
14 for the month of November, I hear; is that correct?

15 A. Generally, yes, the pilot was
16 relieved in Lock 7.

17 Q. Captain Watson stated that in
18 November last year the procedure was abandoned; is
19 that correct?

20 A. Yes, that is right.

21 Q. When you change pilots at Lock 7
22 where do you change in the lock itself?

23 A. We change in the lock itself after
24 the ship is raised up. Usually when we enter the first
25 of the twin locks here (which would be Lock 4) after
26 we are raised up and about to go into twin number 5,
27 we call the pilot office on RT and advise them of our
28 position here and about the time we will be in Lock 7.

29 Sometimes the dispatcher on the
30 Canal fools us and ties us up here below Lock 7 and then



1 English

2 we will be one hour longer. If you call the pilot
3 office and figure on tying up below Lock 7, then he
4 fools you the other way and lets you go right into
5 Lock 7, so the relieving pilot has to hurry.

6 Q. When you call from lock -- is it
7 4 or 5?

8 A. I usually call when I am raised
9 in 4 going into 5.

10 Q. Is there any definite rule that
11 you should call from that particular spot or is it
12 just a common practice?

13 A. That gives the pilot about an
14 hour, between an hour and a half and two hours to be
15 at Lock 7 to catch the ship.

16 Q. I see. I thought you were
17 requiring a two hour notice to go on board ship? I
18 thought I heard Captain Watson saying that. Is that
19 for the ETA? Is that different?

20 A. I always figure about an hour and
21 a half or two hours. I have never had too much
22 longer than an hour and a half.

23 Q. How many miles is that from the
24 station at Port Weller when you have reached Lock 7?

25 A. I could measure it -- 16.8 miles.

26 Q. Nautical miles?

27 A. Yes.

28 Q. Now you have changed pilots at Lock
29 7 and you proceed from Lock 7 ---

30 A. Just a minute -- 8.29 miles.



1 English

2 Q. 8.29 miles, yes. Once you have
3 left Lock 7, now would you explain what the procedures
4 are and the difficulties you might encounter?

5 A. The first thing after leaving Lock
6 7 you have to come up and come through a railroad
7 bridge which had two draws. The bridge is in the
8 centre of the Canal and each draw is 80 feet wide.
9 We have to stay to the right-hand side of the Canal
10 because usually there are ships tied on the east side
11 or the left-hand side going up waiting to go into
12 Lock 7.

13 So you go up and just when you
14 get through that bridge, then we have to moor the
15 ship again there to wait until one of the ships that
16 is above Lock 7 goes into the lock.

17 Q. What kind of bridge is that? Is
18 that a swing bridge?

19 A. That is a railroad swing bridge.

20 MR. BRISSET: What number?

21 THE WITNESS: Number 9.

22 MR. LALONDE: Q. Bridge #9?

23 A. Yes. This tying here above Lock 7
24 on the west wall can be from 30 minutes to an hour and
25 a half. It all depends on what goes on at the guard
26 gate.

27 Q. Is this bridge #8? Yes, bridge #8.

28 A. Oh, yes, I am sorry.

29 Q. Yes?

30 A. Bridge #8. As I say, we tie above



1 English

2 this bridge here and you can be there from 20 minutes
3 to an hour and a half. It all depends again on the
4 dispatcher, whether he has ships above the guard gate
5 here or whether he has not. If he has no ship above
6 the guard gate, why, then you only have to wait until
7 this ship that is moored above Lock 7 proceeds in the
8 lock. When Lock 7 is closed he will open the guard
9 gate for you to go up.

10 We start up the long level here --
11 what is commonly known as the long level. It is
12 from bridge #9 up until Lock #8 here (indicating) at
13 Port Colborne.

14 This transit from the guard gate
15 to Lock #8, there are no locks in it, but then you
16 can meet as many as four or five downbound vessels
17 in the level. This is a sort of a hazardous job
18 at times, especially if the vessel -- upbound vessels
19 are usually light and, as I said before, the winds
20 are west or southwesterly and if they are blowing high
21 you have to hold the ship up in order to stay in the
22 centre of the Canal. When you meet ships, why, the
23 ship has a tendency to set down on the ships that you
24 are meeting and if you hold her up too much to avoid
25 that, why, then you might get in trouble on the Canal
26 bed.

27 This voyage, the transit from the
28 guard gate to Lock 8 at Port Colborne takes anywhere
29 from two and a half hours to maybe six. It depends
30 on the amount of traffic, both upbound and downbound.



1 English

2 If there are a lot of ships, one or two ships directly
3 ahead of you in the level, and they are meeting two
4 or three ships downbound, why, it delays everybody's
5 operation. When you get up to Port Colborne then
6 you have to tie up here below Lock 8 to wait for
7 Lock #8. In this case you tie up on the starboard
8 side again. Then when the ship comes out of Lock 8,
9 why, you proceed in.

10 The lock at Port Colborne, there
11 is not too much lift to it -- maybe 2 or 3 or 4 feet,
12 which makes it comparatively easy and fast.

13 When you leave Lock 8 you proceed
14 out through Port Colborne harbour. In busy times in
15 that Canal, why, you have ships tied on both sides
16 of the harbour in Port Colborne. These ships can be
17 either waiting for a canal transit or they can be
18 discharging cargo at Port Colborne; or they can be
19 tied up there, "laid up" as we say -- not operating at
20 all. They allow some of them to tie in the harbour
21 at Port Colborne.

22 So if you meet incoming ships
23 to the Canal here and you are outbound and, as I said
24 before, if we have any wind, why, that can be quite
25 interesting there at times. It keeps you on your toes;
26 you do not have your feet up right then. Then you
27 proceed on out through the piers here at Port Colborne
28 and about two and three-quarter miles off Port Colborne
29 there is another reporting buoy.

30 Q. Before we proceed to that other



1 English

2 chart, will you tell me whether you have any current
3 in the Canal or whether it is all still water?

4 A. I explained the current below
5 twin lock #4 there. On these tie-up walls too we
6 encounter the water from the weir, just like the
7 passage that takes the excess water from the level
8 above the lock off the weir, comes down on the east
9 side of the lock and runs across, hits that wall and
10 just about the time you are going to tie up the ship
11 there the current sets off the tie-up wall and, as
12 I said before, if the winds that are prevailing west
13 and southwesterly winds are high the current helps to
14 carry you off the wall.

15 There are currents when you are
16 downbound in the Canal. The current has a tendency
17 to pull you off the same way because of the water
18 running down through these weirs. It pulls you away
19 from the tie-up wall. It pulls you away from the tie-up
20 wall downbound and then it shoves you off the tie-up
21 wall upbound.

22 Q. Do you have any current at the
23 entrance of the Canal at Port Weller on Lake Ontario,
24 for instance?

25 A. In calm weather, no, but if it is
26 bad with northwesterly or westerly winds across the
27 mouth of the Canal there is a very bad set with the
28 wind.

29 Q. The set comes from which direction?

30 A. It is usually from westerly to



1 English
2 easterly, but if you have strong easterly currents
3 you can get it the other way too. It does not make
4 any difference, because this is just a man-made harbour
5 stuck right out into the open lake. There is no
6 protection, no natural protection around there at all.

7 Q. Are there any difficulties at
8 all in negotiating the entrance to this natural harbour
9 between these two piers which are advancing on Lake
10 Ontario? How narrow is that entrance?

11 A. That entrance there?

12 Q. Approximately?

13 A. I would say about 600 feet.

14 Q. Are there any particular difficulties
15 there?

16 A. With winds, if you have a strong
17 wind blowing across, with the wind and the sea it
18 causes a large set across there naturally.

19 Q. Are there any other difficulties
20 with currents or other factors in the Canal itself
21 which you have not mentioned already?

22 A. Well, the current upbound is
23 not as large a hazard as it is when you are downbound
24 with the current behind you. But there are weirs
25 going off the Canal for hydro projects and one thing
26 and another and they all have a tendency to draw you
27 towards the bank wherever the weir is. Of course,
28 we experience the same difficulties with sets at
29 Port Colborne across the piers as you do at Port
30 Weller.



1 English

2 Q. We will now proceed to Exhibit 981,
3 the chart of Lake Erie, No. 2100. You were saying
4 that once you had gone through Port Colborne you had
5 a calling point, I think?

6 A. That is right; at about two and three
7 quarter miles.

8 Q. Would you circle that calling point
9 with the red pencil, please? Well, I understand it is
10 already circled?

11 A. Yes.

12 Q. And if you are upbound what use is this
13 calling point?

14 A. Well, if we are upbound and on a vessel
15 that has an exemption certificate, when we get to this,
16 what we call Port Colborne fairway buoy, then we turn
17 the ship back over to the master and his certificate
18 of exemption will take him up the lake until he comes
19 to Southeast Shoal.

20 Q. Do you have to call the station when
21 you pass this calling point upbound?

22 A. No.

23 Q. So that, in effect, it only serves as
24 a calling point for downbound ships?

25 A. For downbound ships.

26 Q. And it serves also as a point where you
27 transfer the responsibility of the ship to the master?

28 A. Yes.

29 Q. That is a way of speaking and I know
30 it is not legally the correct way of putting it; but



1 English

2 you turn the ship over to the master?

3 A. Pilots feel that it is the southerly
4 limit of the Welland Canal, although it is not legally
5 defined and we can't get anyone to define it; but
6 that is our conception of the southerly limit of the
7 Welland Canal; the same as the buoy up at Port Weller
8 is the northerly limit.

9 Q. Now, you say if the ship has a B
10 certificate on board you are relieved from duty then?

11 A. At this point, yes.

12 Q. As far, then, as the other point, which
13 is Southeast Shoal if the ship is proceeding further up?

14 A. Yes.

15 Q. Would you circle the point at Southeast
16 Shoal where you take over again?

17 A. Most of us are called about one hour
18 outside of Southeast Shoal, which would be about four
19 or five miles east of Southeast Shoal we are called.

20 Q. Would you put the letter B next to
21 this point you have indicated?

22 A. Yes.

23 Q. Why do you have this practice of
24 being called about an hour before you reach Southeast
25 Shoal?

26 A. I marked this circle on the map, on
27 the chart, about 4 or 5 miles east of Southeast Shoal.
28 Well, that is usually about the position -- the very
29 latest -- that the pilot wants to be on the bridge.
30 Naturally, in order to get up there at this point you



1 English

2 have to be called before that.

3 Q. Would you indicate with the letter C
4 in green the point where, generally, you would ask
5 to be called to get ready to be on the bridge? Will
6 you put the letter C please?

7 A. Yes.

8 Q. And you say that is approximately one
9 hour before you would reach...

10 A. Southeast Shoal.

11 Q. ...Southeast Shoal?

12 A. Yes.

13 Q. And why do you need an hour to be
14 called before?

15 A. Well, most pilots like to be on the
16 bridge at least four or five miles east of Southeast
17 Shoal because all the traffic on the whole of the lake,
18 whether it is on the north side or the south side,
19 all converges at this point on Southeast Shoal in order
20 to proceed to the river, and it is quite common to
21 arrive at Southeast Shoal and have ships coming at
22 4 or 5 directions, all headed on the light at Southeast
23 Shoal, and converging on exactly the same point on
24 different courses.

25 Q. Then, you prefer to be on the bridge
26 about 5 miles beforehand to give instructions?

27 A. To give instructions.

28 Q. Would you indicate with your green
29 pencil, with an arrow, the various areas from which
30 ships can converge on this particular point p-- you said



1 English
2 from 4 or 5 different points. Will you indicate them
3 with a green arrow, the courses, and will you number
4 them, please?

5 A. Yes.

6 --- The witness did so.
7

8 Q. You have indicated eight different
9 areas from which ships might come to converge on South-
10 east Shoal, and you have numbered them from one to
11 eight?

12 A Yes.

13 Q. Would you indicate where these ships
14 come from when they converge on this point?

15 A. They can come from Sandusky, Lorraine,
16 Cleveland, Fairport, Ashtabula, Conneaut, and Erie,
17 Pennsylvania, as well as the recommended upbound course
18 from Southeast Shoal.

19 Q. I see. You can have ships coming
20 upbound from all these directions; is that correct?

21 A. That is correct.

22 Q. I presume you may also have ships
23 coming downbound further up?

24 A. From Pelee Passage.

25 THE CHAIRMAN: Is there any reason why
26 a ship coming from Sandusky and going to Port Colborne
27 will have to go by Southeast Shoal? He will take
28 a straight line from Sandusky?

29 A. There are many more ships loaded
30 in Sandusky which proceed upbound and proceed west in



1 English

2 Lake Erie than there are that proceed east.

3 THE CHAIRMAN: And they have got to go
4 by Pelee Island and Southeast Shoal?

5 THE WITNESS: 99.9% of them come by
6 Pelee Passage.

7 THE CHAIRMAN: But I was wondering if
8 they were bound to use the courses marked on the chart,
9 and the reason why they were all going through Southeast
10 Shoal?

11 THE WITNESS: There are other passages
12 there but they are very narrow and they are much
13 shallower water; and the best passage is Pelee Passage.

14 MR. LALONDE: Q. Before we proceed any
15 further, if the ship does not have a B certificate
16 on board does this mean that you are on the bridge
17 once you have left Port Colborne? What happens,
18 generally?

19 A. Generally, when you come to the Port
20 Colborne fairway buoy you inform the master and show
21 him the recommended courses on the chart; advise him
22 that it is in his best interests and in the interests
23 of all concerned to steer these courses up the lake;
24 and myself I usually ask to be told when we get
25 to Long Point -- half an hour -- so that I can see
26 how we are doing when we get to Long Point.

27 Q. You ask to be given notice half an
28 hour before you pass Long Point?

29 A. Yes, before we pass Long Point; or I
30 always tell them to call me at any time that anybody



1 English

2 is in any doubt -- to let me know; that is if the
3 weather is clear. If it is not clear I am already
4 up there and don't have to be called. I stay on the
5 bridge.

6 Q. You say that if the weather is not
7 clear you stay on the bridge?

8 A. Yes.

9 Q. Is that all across Lake Erie?

10 A. Right; then we steer close to Long
11 Point and get on the recommended upbound course; and,
12 of course, it is one straight course there and they
13 can call me at least an hour before we get to Southeast
14 Shoal.

15 THE CHAIRMAN: Do all ships keep to the
16 upbound courses you indicated on the chart?

17 THE WITNESS: Definitely that is the
18 ordinary practices of lake seamen, to stay on the
19 recommended courses.

20 MR. LALONDE: Q. Now, if you are on a
21 ship which has a B certificate on board you are
22 relieved?

23 A. We are relieved.

24 Q. At the calling point off Port Colborne?

25 A. Yes.

26 Q. Does it happen that you are called
27 upon to assist in any way even on ships with B
28 certificates, or is this something which never occurs?

29 A. Oh, no, it occurs the vast majority
30



1 English

2 of the time. Somebody calls on the radio-telephone
3 and you have just got down and into bed and just about
4 asleep and somebody comes tapping on the door "Please,
5 Mr. Pilot, somebody is calling us on the phone."

6 Actually, we have nothing to do with the telephone at
7 all...

8 Q. What is the reason for this, and what
9 do you do?

10 A. Well, I must say we are not always very
11 polite, but usually we get up and assist them with their
12 telephone conversation.

13 Q. Is this a problem of language communication?

14 A. Usually it is a problem of language,
15 plus the RT.

16 Q. Plus the RT?

17 A. Yes; plus the radio-telephone. Some
18 masters or mates or officers are not too familiar with
19 the operation of the RT on the lakes.

20 Q. And these radio messages -- what are
21 they relating to?

22 A. Ship's business. It is usually an agent.

23 Q. Is this a frequent occurrence or is it
24 something that happens just once?

25 A. No; that is quite regular on ships that
26 are not in regular trade on the lake.

27 Q. And will this occur even with ships
28 that have a B certificate on board?

29 A. Yes; on tramp ships that even have a B
30 certificate we are quite often to help them on the



1 English
2 telephone.

3 Q. And I presume that it happens just as
4 often on ships which do not have a B certificate?

5 A. Yes.

6 Q. Is that correct?

7 A. Yes, that is correct.

8 Q. And I presume that there are times
9 when you don't have this too much?

10 A. No; some ships carry operators --
11 radio operators. When they feel -- I don't think
12 it is the law -- but we will take, for example, the
13 Japanese ships. They all carry a radio-operator
14 and of course we have no problem with those.

15 Q. But we have been informed that there
16 is actually a recommendation to the effect that there
17 should be in the Seaway a radio operator who can speak
18 and understand the English language; but you say that
19 still you have ships where the radio-operators are
20 not enough fluent in English...

21 A. Yes.

22 Q. ...and they call on you to help them
23 in their conversations?

24 A. Yes, that is right.

25 Q. Is that correct?

26 A. That is correct.

27 Q. Do you find this with a particular
28 category of ship, or on various groups such as tramp
29 ships?

30 A. On tramp ships that only make maybe



1 English

2 one or two voyages, or it is maybe their first voyage
3 in the lake, or maybe the second voyage; not with the
4 lake liners that are up and down all the time; there
5 is no problem there.

6 Q. Now, before we go to Pelee Passage,
7 I notice that you have mentioned a fair number of
8 harbours on Lake Erie. If you have a ship with a
9 B certificate on board going to Cleveland do I
10 understand that this particular ship will dock herself
11 in Cleveland?

12 A. He can; she is permitted to by law.

13 Q. In practice when you have a B certificate
14 on board is this what they do, or do they call upon you?

15 A. Well, I think they usually call the
16 pilot. I don't think there are too many that do it
17 themselves.

18 Q. Is this something which you have
19 experienced yourself?

20 A. My experience is that I have only ever
21 gone into Cleveland once where the master didn't call.

22 Q. Even if he had a B certificate on board?

23 A. Even if he had a B certificate.

24 Q. Have you ever been in other harbours on
25 Lake Erie with a master who had a B ~~certificate~~ on
26 board?

27 A. Yes.

28 Q. And was the same practice followed,
29 that you were called upon to dock the ship, or to
30 help dock the ship?



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TORONTO, ONTARIO

Albinson, dir
(Lalonde)

14239

1 English

2 A. Yes, that is right.

3 THE CHAIRMAN: Are you now going to
4 Pelee Passage?

5 MR. LALONDE: Yes.

6 THE CHAIRMAN: Then, we will take ten
7 minutes.

8

9

10

11 --- RECESS

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1 English

2 Q. Captain, are there any other
3 factors than the ones which you have mentioned previously
4 which would bring a situation where you would be
5 called upon to help, to assist a ship even though
6 theoretically you would be off duty if the ship has
7 a B licence on board?

8 A. Well, it has been known when fog
9 was encountered some place on the lake that the pilot
10 has been in bed. He has been wakened up by the
11 whistle and the ship has been blowing the international
12 fog signal instead of the signal for inland waters,
13 and the pilot has had to go out on the bridge and
14 set them straight about that.

15 Q. Have you experienced that yourself?

16 A. No, I haven't experienced that,
17 but other pilots have told me that that has been the
18 case with them.

19 Q. There are a number of harbours
20 on Lake Erie. Would you indicate to the Commission
21 the harbours which you are called upon to go on Lake
22 Erie?

23 A. We will start from the closest one
24 here, start at the east end of Lake Erie. We have
25 Buffalo, and then we go down to Tonawanda, which is
26 down the Niagara River, and then there is Lackawana,
27 which is just to the south of Buffalo. Erie, Pennsylvania,
28 Conneaut, Astabula, Fairport, Cleveland, Lorraine,
29 Sandusky, Toledo and Munro. Salt water ships come in
30 all those ports at various times.



1 English

2 Q. I notice there are no ports on
3 the north shore where you are called upon to go?

4 A. On the north shore is Port Burwell,
5 Port Stanley, Leamington and Kingsville, which makes
6 a total of 18 ports on Lake Erie alone which the pilot
7 has to be familiar with.

8 Q. Are there any special difficulties
9 in these ports?

10 A. In the port of Buffalo, if you go
11 down to Tonawanda you have to go down through the
12 Black Rock Canal, and there is one lock. After you
13 go through the lock you go down into the Niagara
14 River. The difficulties that you encounter you can
15 encounter in any port. I don't suppose it matters
16 whether it is on the lakes or whether it is a sea port.

17 Q. Excuse me. I am showing you
18 Exhibit 984. That is Upper Niagara River, U.S. Chart.
19 Would you indicate on this particular chart the
20 lock you referred to?

21 A. The lock is here (indicating).

22 Q. Will you circle that lock with a
23 red pencil, please? Put the letter "A" next to it.

24 A. After you leave the lock you come
25 down the dredged channel down to the Niagara River, and
26 on down to Tonawanda. Sometimes you have to go into the
27 steel plant here.

28 Q. You go where?

29 A. To the steel plant. There is a
30 steel plant -- I forget the name of it now. I think it



1 English

2 is North Tonawanda Iron Company.

3 Q. Yes?

4 A. Salt water ships load scrap iron
5 in there.

6 Q. Is that the area where you mainly
7 go with salt water ships?

8 A. Yes.

9 Q. Yes?

10 A. And then of course you come back
11 down; you have to come back through the lock, back
12 up this dredged channel here until you come out into
13 the Buffalo harbour itself, and back out into Lake
14 Erie.

15 Q. Are there any particular points
16 you would like to stress on this particular chart?

17 A. There is a strong current from
18 about the time you leave the lock here at Black Rock
19 Lock here until you get down to the steel plant
20 or below it. Then if you have to go down to
21 Tonawanda, there is a strong current here.

22 Q. "Here" is what?

23 A. Just at the lower end of the
24 channel, at Tonawanda, at the turning basin.

25 Q. Yes. Are there any particular
26 difficulties at the other ports which you have not
27 mentioned?

28 A. In Cleveland, Ohio, if you have
29 to go up the river, it is a very narrow, windy river,
30 and the fluctuation of the water there at times is



1 English

2 quite serious. If you have a deeply loaded ship, and
3 the ships are usually loaded to the last inch of
4 draught naturally, why, you are very close to the bottom
5 when you proceed up this river, the Cuyahoga River.

6 THE CHAIRMAN: You said the
7 fluctuation of the water. That is in the river?

8 THE WITNESS: In the river.

9 THE CHAIRMAN: Due to rain?

10 THE WITNESS: Heavy rains inland
11 sometimes causes serious currents and it will raise
12 the water, and you get a wind, a strong westerly wind,
13 and it blows the water of Lake Erie all down to the
14 western end, and down goes the water.

15 Q. Do you have tugs in some or all of
16 these harbours?

17 A. There are tugs available in all the
18 harbours except Munro, and I think you have to call
19 and give them so many hours' notice in order to get
20 a tug here at Munro. It comes over from Toledo. Other-
21 wise there are tugs available in the harbours on the
22 south shore, but there are no tugs available for any
23 of these ports on the north shore of the lake.

24 Q. Do you use tugs when docking ships
25 on the north shore?

26 A. No, because there are not any tugs
27 to use.

28 Q. I thought you might have obtained
29 them from some other ports.

30 A. No. The only thing you might do, you



1 English
2 might get a fisherman to help you, but that is all.
3 Of course the biggest thing to do is persuade the
4 Master that he needs a tug.

5 MR. LALONDE: I would like now,
6 My Lord, to add as an Exhibit a chart which is U.S.
7 Chart of Lake Erie, west end of lake, including the
8 islands. Chart of the U.S. Corps of Engineers, number
9 39. It will be annexed to Canadian Chart #2183, and
10 Exhibit No. 986. This new chart could be numbered
11 986A.

12 ---EXHIBIT NO. 986A: U.S. Chart #39.

13 Q. You have on this chart the
14 western end of Lake Erie from Pelee Passage. Would
15 you again circle the calling point at Pelee Passage?

16 A. It does not appear.

17 Q. It doesn't appear on the chart?

18 A. No.

19 Q. How many miles would it be up, the
20 point indicated?

21 A. About ten miles we will say from
22 Southeast Shoal.

23 Q. And it has been circled in red
24 on the previous chart?

25 A. Yes.

26 Q. What do you have at Southeast Shoal
27 as indicated on this chart?

28 A. There is the Southeast Shoal light,
29 and one mile due south of the light is a gas buoy.
30 You make a landfall at the gas buoy and then you proceed



1 English
2 up towards Pelee Passage Island light.

3 There is shoal water there, and
4 there are traffic buoys also. There is one traffic
5 buoy to separate the downbound ships from the upbound
6 ships, so that the upbound ships stay to the north
7 side of the line and the downbound ships keep to the
8 south side.

9 Q. Are there several set buoys or
10 only one?

11 A. There are three buoys. Although
12 this chart does not show it, there are three buoys
13 here almost in a line.

14 Q. I see.

15 A. The one marks a shoal spot and the
16 others are traffic buoys.

17 Q. These traffic buoys, they would
18 be approximately in the middle of what is the channel?

19 A. Approximately in the middle. Also
20 there is a red buoy, and it is marked Scrub Reef
21 approximately half a mile from one of the traffic buoys.

22 You proceed upbound from this buoy
23 here off Southeast Shoal until you come to this buoy
24 that marks a course change. During this time the
25 downbound ships, both from the Port of Toledo and from
26 the river, everybody meets at this point again.

27 Q. This point is?

28 A. The buoy off Pelee Passage Island
29 light.

30 Q. Would you make a green circle around



1 English

2 this buoy and make the letter "A"? You are saying
3 all ships meet at that particular buoy?

4 A. The downbound ships and the upbound
5 ships all make a landfall at this particular buoy, and
6 it is a very busy piece of water, as you know, because
7 all the shipping from the Upper Lakes going into Lake
8 Erie pass here, and naturally all the ships from the
9 Welland Canal and any place east of this spot all
10 come back up the same way because although there are
11 channels here --

12 Q. I'm sorry, these channels down
13 here, you are referring to what?

14 A. The south passage.

15 Q. Yes?

16 A. They are very narrow, and the
17 water is very shoal, so this is the main channel here
18 that all large or lake -- I shouldn't say "all" --
19 but the great majority of ships use.

20 Q. That is Pelee Passage?

21 A. The Pelee Passage channel.

22 Q. Yes?

23 A. From then, say we will go up to
24 Toledo, when you get to this point or this buoy off
25 of Pelee Passage Island light, then some place between
26 there and within half a mile you must cross the
27 downbound traffic in order to get on to the course for
28 Toledo, Ohio.

29 Q. Is that course indicated on the
30 chart for Toledo?



1 English

2 A. Yes.

3 Q. Would you put the letter "T" just
4 across the indication of the course?

5 A. You proceed up here, alter course
6 again about five miles or from abreast of Middle Sister
7 Island light down into a dredged channel, into Toledo,
8 Ohio.

9 This dredged channel into Toledo,
10 Ohio, is about fourteen miles long. It is 600 feet
11 wide. Toledo, Ohio is a very busy port, and when you
12 are on your way in this dredged channel here, you may
13 meet anywhere from five to ten ships outbound.

14 They load a tremendous amount of
15 coal. There are seven coal loading rigs in the port
16 of Toledo alone which dump maybe 90 tons of coal a
17 minute -- they can -- so you can see besides two
18 ore-unloading docks there, besides all the general cargo
19 ships that we take in and out of there.

20 Q. I notice there does not seem to be
21 any anchorage area in that dredged channel. Is there
22 any place where you can anchor in the harbour of Toledo
23 itself if the dock is not ready, or what do you do?

24 A. There is no anchorage any place in
25 the dredged channel or in the harbour of Toledo. If
26 you anchor you must anchor out here off the outer buoys
27 at Toledo.

28 Q. Would you make a round circle in
29 green to indicate the area where you will anchor if you
30 have to wait at Toledo?



1 English

2 A. Well, you can anchor on either side
3 of this.

4 Q. Would you put the letter "B" on
5 each area? You get in touch with Toledo, I presume,
6 by radio-telephone to know whether you have free
7 space in the harbour?

8 A. The only way that we know whether
9 there is free space or not is through the ship's
10 agents. There is no harbour master and no port warden,
11 nothing. No harbour officials there. You depend
12 entirely on the ship's agents for your information
13 whether the dock is free or not or whether you could
14 go in.

15 Q. Has it ever happened you don't have
16 the information available as to whether the space is
17 free or not?

18 A. It isn't so bad when we don't have
19 it because then we go to anchor, but sometimes the
20 agents get overly ambitious and they figure they are
21 going to have a ship out of here and they are going to
22 have you in and something happens that the ship does
23 not complete the cargo and you have already committed
24 yourself on the way in.

25 Q. What do you do? Is there a turning
26 point in the harbour?

27 A. No. You go as slow as you possibly
28 can. You delay everybody and make yourself very unpopu-
29 lar.

30 Q. So generally if you don't know whether



1 English

2 you have space available, you would just anchor and
3 wait until you get the information?

4 A. Until we get the information.

5 Q. Is there anything particular you
6 would like to indicate as to the port of Toledo?

7 Any particular difficulties or inconveniences in that
8 area?

9 A. We have one terminal just inside
10 the Maumme River at Toledo. It is called Toledo
11 Overseas Terminal, and the other terminal in Toledo
12 is way up the river which we have to pass five bridges
13 in order to get up to the other salt water terminal
14 in Toledo.

15 Q. I presume you do all this with
16 tug assistance, to cross under these bridges?

17 A. No. Usually we take ships up there
18 without tugs. The same thing prevails here in the
19 Maumme River, although more so than it did in the
20 Cuyahoga River at Cleveland. If you have rain
21 up-country, heavy rains, why, then you get bad currents
22 here in the river. It does not last too long. Some-
23 times at other times the current will run rapidly
24 there for a day. It all depends on the wind and the
25 rain.

26 COMMISSIONER RENWICK: My Lord,
27 may I ask a question here?

28 Are those swing bridges or cantilever
29 or high level bridges?

30 THE WITNESS: There are three swing



1 English

2 bridges and two cantilever bridges.

3 COMMISSIONER RENWICK: What would
4 be the width of the channel opening?

5 THE WITNESS: They were quite wide,
6 sir. I think they are 100 feet. They are, I think,
7 the widest bridges on the Great Lakes as far as swing
8 bridges are concerned.

9 MR. LALONDE: Q. Would you
10 indicate with a green line across the river the area
11 as far as you go with deep sea ships -- a full line
12 across?

13 ---The Witness so indicated.

14 MR. LALONDE: Q. Thank you. Are
15 there any other points in the port of Toledo worthy
16 of particular attention?

17 A. No; I think we have covered them
18 fairly well.

19 Q. Let us take your ship again and
20 take it further up the Seaway system. I understand the
21 ships could also go to Munro before going up to Detroit
22 River?

23 A. That is correct.

24 Q. Is there any particular difficulty
25 as far as Munro is concerned?

26 A. This is a very narrow dredge channel
27 into the port of Munro and just after you get in there
28 -- it is a very small port -- as far as I know there
29 is only one terminal there and you have a turning
30



1 English

2 basin there. The biggest difficulty in the port of
3 Munro is the very shallow water.

4 I might add that we experienced
5 that very much here too in the Maumme River in Toledo
6 with the rise and fall of Lake Erie. Naturally it
7 affects the harbour of Toledo because there is not
8 enough flow in the river to maintain the depth of the
9 water in the harbour. It is controlled by the depth of
10 Lake Erie and it has been known at this end of Lake
11 Erie that the water will fluctuate or has fluctuated
12 six feet in eight hours with a strong gale wind.

13 THE CHAIRMAN: The cause of it is
14 the wind?

15 THE WITNESS: Yes, sir.

16 MR. LALONDE: Q. Before we proceed
17 any further I would like to ask you another question
18 about Toledo. I do not think you have indicated the
19 depth of the channel into Toledo?

20 A. Well, they hope to complete this
21 year all this dredged channel into the port of Toledo
22 to 27 feet. At the present time it is supposed to be
23 25 feet, but this is a very sandy bottom and of course
24 with the traffic in and out here all the time, why,
25 the channel shoals rapidly and there are dredges practi-
26 cally all the time working in this channel to keep this
27 channel down to the projected depth.

28 Q. How deep are the ships which you take
29 in and out of Toledo? What is the deepest draught that
30 you have usually?



1 English

2 A. Twenty-five foot six. That is
3 the grain ships from Anderson's elevator here, which
4 is, by the way, as far up the river as you can go --
5 Anderson's elevator in the mid-States there up through
6 one more bridge that I spoke about a few minutes ago.

7 Q. Yes, and these are the deepest
8 loaded ships you have?

9 A. That we have in and out of Toledo.

10 Q. And these deep laden ships,
11 you take them as far as the green line you have made
12 across the river in Toledo; is that correct?

13 A. Practically up there. It may be
14 a few feet one way or the other.

15 Q. You mentioned that you crossed
16 another bridge you have not mentioned before to get
17 to this grain terminal. Is there any particular
18 difficulty in connection with this bridge?

19 A. The swing bridge? We encounter
20 current there all the time. Even with tugs with
21 vessels deeply loaded like that we encounter quite a
22 difficult time in negotiating that upper bridge there
23 with deeply loaded grain ships.

24 Q. Why is it? Is it because it is
25 narrow, or what is it?

26 A. No, it is just the shape, the way
27 the current works around the bridge, the shape of the
28 river and the way the bridge is placed in the river.

29 Q. Is this a bridge which is more
30 difficult than the others before to negotiate?



1 English

2 A. For me, yes.

3 Q. For you, yes.

4 COMMISSIONER SMITH: Captain, are
5 these harbour front installations in Toledo and
6 Munro and the other places you have mentioned railway
7 or municipally owned or owned by other authorities;
8 do you know?

9 THE WITNESS: I could not swear
10 to this, but from my own knowledge in the port of
11 Toledo it is the Toledo Lucas County Harbour Authority
12 that own the piers, but they are rented to private
13 enterprise to operate.

14 MR. LALONDE: Q. Yes. We have
15 on this chart the port of Sandusky. Is there any
16 particular point at Sandusky which you want to raise?

17 A. Well, of course, most of the ships
18 we have into Sandusky are, as our learned friend
19 said yesterday, Commonwealth ships. There is no
20 particular difficulty with them. I mean, if you want
21 to get real technical, why, we could spend maybe two
22 or three hours about the currents around one dock there
23 around Sandusky.

24 MR. LALONDE: We will go and see
25 it later.

26 COMMISSIONER RENWICK: Could I
27 revert to Toledo for one question? The ships going in
28 there, are they larger long bridge aft types of carriers?
29 I am thinking about negotiating the bridges. Have you
30 any difficulty in negotiating the bridges if the bridge



English

is aft as compared to mid-ships?

THE WITNESS: If the ship is in ballast, of course, the biggest difficulty in negotiating the bridge then even with tugs is wind. That is our biggest worry, in ballast ships, in bulk.

MR. LALONDE: Q. I think the question is more relating to whether you experience more difficulty with ships that have everything aft?

A. Yes. Maybe it is easier when you are amidships because you are closer; you can judge better your distances from bridge abutments and piers.

THE CHAIRMAN: But does it make a big difference?

THE WITNESS: No -- comme ci comme ça.

MR. JACQUES: Would you think of refusing to take a large bridge aft ship through the bridges?

THE WITNESS: Not if the weather is right and the ship is in ballast properly, no. We cannot refuse anything. Captain Slocombe told us that three or four years ago.

THE CHAIRMAN: Even when you think it is not safe for the ship?

THE WITNESS: It does not matter whether it is safe for the ship or not; we cannot refuse.

MR. LALONDE: Q. Would you now proceed with your ship up Detroit River from the point



1 English

2 you had turned to come into Toledo first?

3 A. We have here a dredged channel
4 that is 700 feet wide and it is buoyed up until the
5 Detroit River, up to Detroit River light. It is
6 used both as an upbound and downbound channel. It is
7 straight. Then we turn on to Detroit River ... We had
8 better have the chart.

9 Q. You are now referring to U.S. Chart
10 #41, Exhibit No. 987. I understand you are going to
11 refer to the right insert on Exhibit 987?

12 A. That is right. In the Detroit
13 River light here we come up to Bar Point light and
14 from this point here at this Bar Point light up until
15 we come to the upper entrance light at Livingstone
16 Channel, we encounter currents in this section up to
17 six miles an hour.

18 The channel is 600 feet wide,
19 but the westerly half of it is dredged to a depth of
20 28 feet in the lower part. The easterly part is
21 dredged to a depth of 21 feet, so actually you have
22 two channels in one, the westerly half for deep laden
23 ships and the other half you can use if the ship is
24 not of such a great draught.

25 It is a one-way traffic in this
26 channel except for passenger boats or ships that are
27 coming to Amherstburg. It runs close by Bois Blanc
28 Island.

29 There is a turn here at buoy, say,
30 57D and the current is quite strong right here on this



1 English

2 turn, which makes it a bit hazardous here. On up
3 above light 61D until you get to light 75D the
4 current is very strong in there. That is where you
5 encounter about six miles an hour of current in here
6 (indicating).

7 This channel from Bar Point light
8 right through to the upper entrance light to the
9 Livingstone Channel -- no, up until light 75, is
10 divided in half. The westerly half is deep draught
11 and the easterly half is shallower draught. Although the
12 chart shows that there is supposed to be 27 or 28 feet
13 in these channels and 21 feet, why, the recommended
14 draught, of course, is much less and at times it
15 should be less than is recommended because the water
16 fluctuates here in the channel.

17 I might say that we have a reporting
18 station here at Detroit River light.

19 Q. Would you make a green circle
20 around this reporting station light?

21 ---The Witness did so.

22 Q. Yes?

23 A. When we come past upbound with
24 foreign ships we have to report to the U.S. Coast
25 Guard the name of the ship, the country she is
26 registered in, the pilot's name and the pilot's number.
27 They require that at Detroit River light for some reason
28 or other.

29 Q. Is this a sand bottom channel or
30 is it rock? What is it?



1 English

2 A. This is rock all through here
3 (indicating).

4 Q. "All through here" is where?

5 A. Well, I could say from light 75D
6 down to Bar Point light it is a rock bottom. There is
7 no anchorage there because the channels now are
8 rock bottom and, with the current, we have three things
9 there.

10 Q. I notice that there is a straight
11 channel on the left chart of Bois Blanc Island. Is
12 this channel used for downbound traffic, or is it ---

13 A. This is for downbound traffic. All
14 downbound ships except passenger ships going to
15 Amherstburg or the island across from Amherstburg or
16 any freight ships that are going to Amherstburg can
17 use this downbound; but the main flow of traffic is
18 always down through the Livingstone Channel.

19 Q. You referred before to a part of
20 the channel which would be deeper than the other part.
21 Is that for upbound ships only, or what?

22 A. Yes, it is all upbound. But the
23 deep part of the channel is only 300 feet wide. Although
24 the channel looks to be 600 feet there, the deep part
25 of the channel there is only 300 feet.

26 Q. Is there any specific rule as to the
27 draught which the ship should have to use the deep
28 part, or is it just a question of a decision by the
29 pilot and the Master?

30 A. That is right. As far as I know



1 English

2 there is no definite rule about using either side.

3 Q. Yes. Now will you proceed?

4 A. When we come to the upper entrance
5 light channel here we come up through Ballard Reef
6 channel, which takes you right across the river. We
7 have here a current of maybe, say, on the average two
8 knots.

9 Q. With the red pencil would you
10 indicate the general direction of the current in that
11 particular area?

12 ---The Witness did so.

13 Q. Yes. You would say two knots
14 current?

15 A. Yes, so naturally it has this
16 tendency to set you down to port all the time when
17 you are coming across there. You come up to Fighting
18 Island south light and then you come on up through.

19 If you are going on up to Detroit
20 you come up Fighting Island channel here to Fighting
21 Island north light and then on up into the river to
22 the different terminals or walls or wherever you are
23 going, or on up the river under the bridge and out into
24 Lake St. Clair.

25

26

27

28

29

30



1 English

2 Q. You are now at the harbour of Detroit.
3 What are the main characteristics of this harbour?

4 A. Well, we have one terminal that is
5 built on the river front, called Detroit Harbour
6 Terminal. Another terminal is up the Rouge River
7 about approximately a half a mile.

8 Q. Yes; it is indicated on the chart as
9 "Detroit Marine Terminals Inc."?

10 A. Yes.

11 These are the three biggest ones, I
12 will say. There is Nicolson's Terminal at the slip,
13 off the face of the river.

14 Now, these are the three terminals
15 used most of the time. There are other wharves along
16 practically the whole front of the Detroit River that
17 are used once in a while. Besides that there are
18 some of our foreign ships which have had to be taken
19 down to Trenton to the steel plant, the ore plant and
20 to Wyandotte, to the chemical plant there. If you do
21 that you have to come down the Trenton Channel here
22 (indicating).

23 Q. Is that a dredged channel?

24 A. It is partly a natural channel, but
25 a natural channel dredged out.

26 Q. And you use tugs in Detroit harbour, I
27 suppose?

28 A. Not as a rule -- not at the Detroit
29 harbour terminal. Naturally, if we have to take a
30 large ship into the Rouge River where the Detroit Marine



1 English

2 Terminal is we usually use tugs one way. If we take
3 tugs in we take the ship through the bridge here and
4 we turn her at the forks of the natural river bed and
5 the short-cut canal which has been dredged here to
6 facilitate traffic for the Rouge River; and then we
7 take them from there stern first up to the Detroit
8 Marine Terminals and berth it port side to them.

9 Q. I understand that when you take tugs
10 out you don't take tugs in; is that correct?

11 A. That is the usual practice, yes.

12 Q. Do you take tugs when you go to Trenton?

13 A. It all depends on the size of the ship
14 and the draft, usually; but if you go all the way down
15 to McLeod Steel at Trenton, you must take tugs.

16 Q. And the only way to go to Trenton if
17 you are upbound is by turning in the Detroit River?

18 A. Yes; and coming back down.

19 Q. Passing Wyandotte, Riverview and then
20 Trenton?

21 A. Yes. Sometimes, years ago -- two years
22 ago, I should say -- some of the masters on the regular
23 salt water ships that traded up here, instead of taking
24 tugs they would ask us to take the ship all the way
25 up to the turning basin and turn her there and bring her
26 back down instead of taking tugs; but I think this
27 practice has pretty well gone by the board now.

28 Q. You have anchorages off Detroit.
29 Would you indicate them with a red circle on this
30 particular exhibit? I notice that Captain Watson has



1 English

2 made marks already?

3 A. Yes. That (indicating) is the correct
4 authorized anchorage area there.

5 Q. Yes; then, Captain Watson indicated
6 another area with the letter B in red. Is that an area
7 which you can use sometimes?

8 A Yes, you could use that; and that one
9 there (indicating) and you can anchor there (indicating).

10 Q. And Captain Watson indicated an area
11 with the letter A. Is that an area which is used also?

12 A. Yes, that is correct.

13 Q. And I understand you also use another
14 area yourself. Would you indicate that on the chart?

15 A. If I am going to the Rouge River --
16 this is here (indicating) I use this anchorage (indicating)

17 Q. Would you put the letter C near the are
18 you have indicated?

19 A. Yes.

20 Q. Is that an area which is used also by
21 other pilots?

22 A. Yes.

23 Q. So these other areas which you have
24 indicated as A, B, and C are used only when the official
25 authorized anchorage is full; is that correct?

26 A. I am afraid it is not correct.

27 Q. Well, is it left pretty well up to the
28 master and the pilot to decide where they will anchor?

29 A. That is right.

30 Q. There was also a question about detention



1 English

2 time in Detroit. What has been your experience in this
3 respect?

4 A. Not 7 weeks anyway!

5 Most of the detention, I would say, in
6 Detroit is caused by ships being short of berths at
7 the wharves and having to remain at anchor.

8 Q. And you remain aboard the ship during
9 that time, I understand?

10 A. Most masters prefer you to stay aboard,
11 and, of course, there is no pilot boat there anyway
12 and no pilot can get off; and you are out there at
13 anchor.

14 Q. Supposing a ship gets there and has
15 to be at anchor for three days, do you stay on board
16 for the full three days?

17 A. We usually try -- especially if it is
18 a busy season -- we usually try to contact the pilot
19 office; and the pilot office knows where we are anyway,
20 because they know where the ships are at anchor at
21 Detroit; and if a pilot wants to he can always get us
22 on the RT, or should be able to, but this becomes a
23 problem at times because when you are at anchor quite
24 often you will walk up to the bridge and there will
25 be nobody on the bridge to answer the phone.

26 Q. But technically I presume that you
27 could get off the ship through other means than a pilot
28 boat, I suppose?

29 A. There is a boat there at Detroit --
30 Westclox have a marine service there at Detroit.



1 English

2 Q. But you were telling me that the Practice
3 is generally that the masters prefer you to stay there
4 and wait until you can dock the ship?

5 A. Until you can dock the ship.

6 Q. Are there any particular points you
7 would like to raise about Detroit, or have you covered
8 the main aspects of this harbour?

9 A. I think that covers Detroit pretty well.
10 We have gone down to Trenton and the Rouge River and
11 the main river here and we have come up here (indicating).
12 The distance here of Detroit from the other end of
13 the Fighting Island Channel until we get up here
14 (indicating) is about 12 miles.

15 Q. Up here...?

16 A. Up to Bellisle.

17 Q. And when you go up the Rouge River you
18 said you had a bridge to cross?

19 A. That is correct; right here at the
20 entrance (indicating); it is a railroad bridge.

21 Q. Is this a swing bridge?

22 A. A lift bridge.

23 In the Detroit River, from the Detroit River
24 light up to Windmill Point is a distance of about 32
25 miles.

26 Q. We are now proceeding to Exhibit 988,
27 United States Chart No. 42, and you have reached a
28 point which is Windmill Point, and that is Lake St. Clair.

29 A. If I could just turn back...

30 Q. Yes?



1 English

2 A. ...there is just one point I forgot
3 here at Detroit. We have mentioned wharves on the
4 Rouge River and the Trenton channel. Also behind
5 Bellisle here you have to bring the ship up here and turn
6 here (indicating).

7 Q Turn above Bellisle?

8 A. At the lower end of Lake St. Clair; and
9 coming back down there is what we call a bridge here
10 where there is no clearance if you want to go to any
11 other wharf on this section of the river.

12 Q. And what you call "this section of the
13 river" is the...

14 A. North of Bellisle.

15 Q. North of Bellisle?

16 A. Yes.

17 Q. That is, if you want to go anywhere
18 below...

19 A. Above.

20 Q. ...anywhere above the harbour connecting
21 Bellisle and Detroit?

22 A. Yes.

23 Q. You are leaving the St. Clair River.
24 Before you proceed on Lake St. Clair I notice, I have
25 been told, that there is a town across the Detroit.
26 Do you ever dock anything at that place?

27 A. The port of Windsor, Ontario. There
28 are quite a few ships that go into a terminal at Windsor,
29 called Northwest Steamships Limited. It is situated
30 here (indicating).



1 English

2 Q. Yes. Would you put a circle at that
3 point in red?

4 A. Yes.

5 Q. It is indicated as "Northwest Steamships
6 Limited"?

7 A. Yes. As you can see on the chart there
8 is a very, very narrow channel -- berth -- in there.
9 We have current coming down the river, naturally, and
10 their wharf is built on the upper side and there is
11 nothing on the lower side but -- it seems to me that it
12 must have been filled in with rock. There is one
13 dolphin, and this is a very difficult place, or a
14 hazardous place, for a ship of any size to go in.

15 Q. Do you have any docks there, or...

16 A. Oh, once you are in the slip there is a
17 good wharf on the upper side but not on the lower side.

18 THE CHAIRMAN: This is near the harbour
19 master's office, is it?

20 THE WITNESS: This is just above the
21 Empire-Hannah Coal Division Dock; just about at the foot
22 of Mill Street.

23 MR. LALONDE: Q. And you say this is an
24 expecially difficult point to negotiate?

25 A. Yes; it is a very difficult place.

26 Q. Is it a private dock?

27 A. It is owned by the company. Also,
28 then, there are wharves up along Walkerville; there is
29 an elevator at Walker's distillery.

30 COMMISSIONER SMITH: Is there an organized



1 English

2 port with a harbour commission?

3 THE WITNESS: They have a harbour master
4 there, sir. I don't know whether they have a commission
5 there or not. I wouldn't like to say.

6 COMMISSIONER SMITH: I am not sure. My
7 recollection is that there is a Commission there, but
8 I wouldn't like to be too sure about it.

9 THE WITNESS: I know that usually the only
10 people we have had to deal with are the people that
11 own the wharves and the warehouses.

12 MR. LALONDE: Q. Is there anything special about
13 Windsor apart from what you said? I mean, so far
14 as pilotage is concerned? I presume there must be a
15 lot of things special about Windsor.

16 A. That is all that I can think of.

17 MR. LALONDE: My Lord, we are now proceeding
18 to Lake St. Clair, but I notice that it is past 5 o'clock.

19 THE CHAIRMAN: That is right. We will
20 adjourn until tomorrow morning at 10.00 o'clock, as
21 usual.

22

23

24 --- Thereupon the hearing adjourned at 5.05 p.m.

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26

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28

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BINDING SECT

MAY 2 1972

